



3 176 1 000 464 3

SYRACUSE UNIVERSITY
HISTORICAL ASSOCIATION
LIBRARY

Number

Shelf

Given by

Date

Albert F. Leaman - 1903.
May - 1904.



all 6-11-257

SYRACUSE UNIVERSITY
HISTORICAL ASSOCIATION,
LIBRARY.

Bering Sea Tribunal of Arbitration
53D CONGRESS, }
2d Session. }

SENATE.

{ Ex. Doc. 177,
Part 7.

FUR SEAL ARBITRATION.

PROCEEDINGS

OF THE

TRIBUNAL OF ARBITRATION,

CONVENED AT PARIS

UNDER THE

TREATY BETWEEN THE UNITED STATES OF AMERICA AND GREAT
BRITAIN CONCLUDED AT WASHINGTON FEBRUARY 29, 1892,

FOR THE

DETERMINATION OF QUESTIONS BETWEEN THE TWO GOV-
ERNMENTS CONCERNING THE JURISDICTIONAL
RIGHTS OF THE UNITED STATES

IN THE

WATERS OF BERING SEA.

VOLUME VII.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1895.

THE SEAL OF THE ARBITRATION

PROCEEDINGS

TRIBUNAL OF ARBITRATION

CONVENED AT PARIS

UNDER THE

TREATY BETWEEN THE UNITED STATES OF AMERICA AND GREAT
BRITAIN CONCERNING THE ALBERT RIVER

Law
Internet
B511fp

627323

20.1.56



VOLUME VII

WASHINGTON

GOVERNMENT PRINTING OFFICE

1955

FUR-SEAL ARBITRATION.

THE COUNTER CASE

OF

THE UNITED STATES

BEFORE THE

TRIBUNAL OF ARBITRATION

TO CONVENE AT PARIS

UNDER THE

PROVISIONS OF THE TREATY BETWEEN THE UNITED
STATES OF AMERICA AND GREAT BRITAIN,
CONCLUDED FEBRUARY 29, 1892.

INCLUDING APPENDIX.

WASHINGTON, D. C.:
GOVERNMENT PRINTING OFFICE.
1893.

TABLE OF CONTENTS

COUNTER CASE.

INTRODUCTION.

	Page.
THE COUNTER CASE OF THE UNITED STATES:	
Its object.....	1
Original British Case and supplement	2

PART FIRST.

REPLY OF THE UNITED STATES TO THE BRITISH CASE FIRST PRESENTED.

THE TRUE ISSUES IN THE PRESENT CONTROVERSY:

Difference of views as to the object of the present arbitration.....	7
Protection of seals the main object of the arbitration.....	7
Origin of the controversy as to jurisdiction.....	8
Lord Salisbury's reference to the Russian ukase.....	8
Mr. Bayard invites international coöperation.....	9
Mr. Blaine's statement of the issues.....	10
Justification of seizures of sealing vessels.....	11
Lord Salisbury again introduces the ukase.....	12
The United States sought international agreement.....	13

THE ERRONEOUS TRANSLATION OF CERTAIN RUSSIAN DOCUMENTS:

Imposition practiced upon the United States Government.....	13
Partial restatement of its case necessary	14

THE SITUATION ABOUT BERING SEA AND ON THE NORTHWEST COAST DOWN TO THE TREATIES OF 1824-'25:

Russia's colonial system.....	15
Ukase of 1799.....	15
Chapter I of British Case.....	15
Distinction between Bering Sea region and Pacific Ocean	16
Ukase of 1821	18

IV

TABLE OF CONTENTS.

THE SITUATION ABOUT BERING SEA, ETC.—Continued.	Page.
Character of control claimed over Bering Sea	18
No exclusive territorial jurisdiction claimed	19
Protests against ukase and resulting treaties	19
Case of the <i>Pearl</i>	20
PERIOD FOLLOWING THE TREATIES:	
Continuation of the colonial system	21
Case of the <i>Loriot</i>	22
Chapter IV of the British Case	23
Visits of whalers to Bering Sea	24
Rights to protect seals not relinquished	25
Evidence of surveillance over Bering Sea	26
Conclusions from foregoing evidence	29
Russia's action in 1892	29
Final observations on historical and jurisdictional questions	30
First, Russian sealskin industry	30
Second, Russia never renounced her right to protect such industry	31
Third, United States's right to protect, in accord with rights asserted by Russia	31
THE RIGHT OF PROTECTION AND OF PROPERTY IN THE ALASKAN SEAL HERD.	
British view of protection and property claims	32
History of protection and property claims	32
Mr. Blaine insisted on right of protection	32
Mr. Blaine asserted ownership in seals	33
Jurisdictional questions not the true issues	33
<i>Mare clausum</i> doctrine inapplicable	34
Mr. Phelps asserted ownership in the sealeries	34
All acts not justifiable because committed on high seas	35
Growth of international law	35
The United States adopt Mr. Phelps's views	35
Lord Salisbury in error	36
Rights arising out of ownership of islands and habits of seals	36
All facts relating to property claim fully discussed	37
Claim of protection and ownership not new	38
Case of the <i>Harriet</i>	38

PART SECOND.

REPLY OF THE UNITED STATES TO THAT PORTION OF THE CASE OF GREAT BRITAIN
CONTAINED IN THE REPORT OF THE BRITISH COMMISSIONERS.

THE BRITISH COMMISSIONERS AND THEIR REPORT:

The Bering Sea Commission	43
The British Commissioners	45
Secretary Blaine's note to the British Minister	45
Meetings of the Joint Commission	46
Report of the British Commissioners	46

TABLE OF CONTENTS.

V

FIRST, NEW PROPOSITIONS ALLEGED ON MATTERS ALREADY CONSIDERED:

Page.

Habits of the fur-seals.

1. Distribution of seals in Bering Sea and intermingling of herd:	
Intermingling of the Alaskan and Russian herds.....	48
Charts Nos. III and IV of the Report.....	49
Chart No. II of the Report.....	49
Data from which the charts were compiled.....	49
Insufficiency of data.....	50
Principal data relied upon in Report.....	50
Chart of cruises in Bering Sea in 1892.....	51
Sealing chart of 1892.....	51
2. Alleged promiscuous nursing of pups by female seals:	
Promiscuous nursing denied.....	53
Elliott and Bryant as authorities in the Report.....	53
Cow's affection for her young.....	53
Analogy with other animals.....	54
Authorities relied upon in the Report.....	54
Mr. C. H. Jackson a questionable authority.....	55
Sir F. McCoy as an authority.....	55
3. Period at which the female seals go into the water.....	57
Position taken by the Report and the authorities.....	57
Capt. Byant's statements.....	58
The one authority for the Report's position.....	59
Testimony of C. H. Townsend.....	59
Testimony of J. Stanley-Brown.....	60
4 Aquatic coition:	
Affirmation of its possibility by the Report.....	60
The evidence in favor of aquatic coition.....	61
Capt. Bryant as an authority.....	62
W. H. Dall as an authority.....	62
Insufficiency of the evidence advanced by the Report.....	63
Inconsistencies of the Report.....	63
Late arrival of the cows at the islands.....	64

Management as an alleged cause of decrease.

The methods admitted to be almost perfect.....	65
Excessive killing alleged.....	65
Proof must be limited to period, 1870-1880.....	65
Admission as to period after decided decrease.....	66
Irrelevancy of such admission.....	67
Failure of the Report to show change of management after 1880.....	68
Reservation as to charges of fraud.....	68
Foundation of charge of excessive killing.....	69
Capt. Bryant as a witness for the Commissioners.....	69
Reasons for his report.....	69
Divisions of evidence in the Report.....	71

FIRST, NEW PROPOSITIONS, ETC.—Continued.

Management as an alleged cause of decrease—Continued.

Page

Irrelevancy of the first division.....	71
Unfairness of statements as to Russian period.....	71
The number of seals killed from 1860 to 1865.....	73
Second division of evidence.....	73
Comparisons of harems, 1870 and 1890, irrelevant.....	73
The curtailment of H. W. Elliott's statement.....	74
Harems in 1891.....	74
Surplus of virile males.....	74
Size of harems in 1892.....	75
Alleged summary of a report of H. W. Elliott in 1890.....	75
Alleged recognition of decrease by lessees.....	76
Average weights of Alaskan catch, 1876-1889.....	77
Number of seals taken from Northeast Point.....	77
Alleged resort to reserved areas in 1879.....	78
No hauling grounds ever reserved.....	79
Overdriving and redriving subsequent to 1880, irrelevant.....	79
Denial of decrease prior to 1880.....	79

Pelagic sealing.

The Report, an apology for pelagic sealing.....	80
1. That the percentage of female seals in pelagic catch is not large.	
The Indian evidence submitted.....	80
Testimony of interested parties submitted.....	81
Percentage of females admitted to be taken.....	81
Statements inconsistent with the Report.....	81
The statements in the Report denied.....	82
Capt. Hooper's investigations, summer of 1892.....	83
Catches of vessels seized by Russia, 1892; 90 per cent females....	83
Examination of pelagic catches, 1892.....	83
Proportion of females taken at sea prior to 1870.....	84
2. That pelagic sealing in Bering Sea is not as destructive to seal life as pelagic sealing in the North Pacific.	
Grounds for the Report's statements.....	84
Pregnant females.....	85
Nursing females.....	85
Capt. Hooper's investigations, 1892.....	85
Examination of seals by C. H. Townsend, 1892.....	86
Dead pups on the rookeries.....	86
Cause of death.....	87
Mr. Blaine's note of March 1, 1890.....	88
Causes of death alleged in the Report.....	89
1. Driving and killing of the mothers.....	89
2. An epidemic.....	89
3. Pups crushed in stampedes.....	90

TABLE OF CONTENTS.

VII

FIRST, NEW PROPOSITIONS, ETC.—Continued.

Pelagic sealing—Continued.

Page.

2. That pelagic sealing in Bering Sea is not destructive to seal life as pelagic sealing in the North Pacific—Continued.	
4. Possible raids as a cause.....	90
All the bodies emaciated	91
Great decrease of dead pups in 1892	91
Cause of decrease of dead pups	93
Increased mortality on Russian rookeries.....	93
Comparative sizes of Bering Sea and Pacific catches	93
Sealing season in Bering Sea and Pacific compared.....	94
Average daily catch in Bering Sea and Pacific compared.....	94
3. That the waste of life resulting from pelagic sealing is insignificant.	
Waste of life insignificant.....	95
The evidence advanced in the Report.....	95
Percentage of seals lost by Indians.....	95
Percentage of seals lost by white hunters.....	95
Tabulated statements of white hunters.....	96
Inconsistencies of statements.....	96
Sources of "White Hunters'" table.....	97
Table only gives seals lost by sinking.....	97
Seals lost by wounding.....	98
The bases for the apology unwarranted.....	99

SECOND, NEW MATTER ALLEGED NOT HERETOFORE DISCUSSED.

Habits of the fur-seals.

1. That the Alaskan seal herd has a defined winter habitat.	
The "winter habitat" theory	100
Object of proposing this theory	101
The bulls do not resort to the " <i>winter habitat</i> "	101
The data insufficient to establish	102
Testimony in opposition	103
Seals followed <i>along</i> Vancouver Island	104
Seals scattered during winter months	104
Seals found in lat. 40° N. and long. 172° W.....	105
New migration chart presented with Counter Case.....	105
2. That the Alaskan seal herd has changed its habits as a result of disturbance on the breeding islands and of pelagic sealing.	
Increased pelagic nature alleged	106
"Stagey" seals taken at sea	106
Table of average catch per boat and per man	107
Why averages for 1885 and 1886 are not used	107
Such averages of no value.....	107
Average per boat in "spring catch," 1886-1891.....	108
Increase pelagic nature, an assumption	109
Change of rookeries based on hearsay	109
New Asiatic rookeries.....	110

SECOND, NEW MATTER ALLEGED NOT HERETOFORE DISCUSSED—Continued.

Habits of the fur-seals—Continued.

Page.

2. That the Alaskan seal head has changed its habits, etc.—Continued.
- | | |
|---|-----|
| One home of Alaskan seal herd..... | 110 |
| Pribilof Islands inhabited for one hundred years..... | 111 |
| Slaughter on Robben Island, 1851-'53..... | 111 |
| Error in statement relied on by the Report..... | 111 |

Alleged fraudulent administration on the Pribilof Islands :

- | | |
|---|-----|
| Indirect charges of fraud in the Report..... | 112 |
| The parties charged..... | 112 |
| Great Britain and the frauds charged..... | 113 |
| Reason the United States consider the charge..... | 113 |
| Fraud, as alleged in the Report..... | 114 |
| No authority for charges..... | 115 |
| H. W. Elliott's statements distorted..... | 115 |
| Counting skins on Pribilof Islands..... | 115 |
| Recount at San Francisco..... | 116 |
| A few bundles opened..... | 116 |
| Packing and shipment..... | 116 |
| Only two skins in a bundle..... | 117 |
| Three skins in a bundle would be detected..... | 117 |
| Implied fraud in weight of bundles..... | 118 |
| Explanation of weight..... | 118 |
| Various counts of skins compared..... | 118 |
| Practical agreement of counts..... | 119 |
| Moore's report of 1875..... | 119 |
| Employés of lessees as Government agents..... | 120 |

THIRD, REGULATIONS PROPOSED IN THE REPORT.

- | | |
|--|-----|
| The only regulations sufficient..... | 121 |
| Jurisdiction of Tribunal of Arbitration..... | 121 |
| Unfairness of regulations proposed..... | 122 |
| (a) <i>Improvements in the methods of taking seals</i> | |
| On Pribilof Islands..... | 122 |
| At sea..... | 123 |
| Use of the rifle obsolete..... | 123 |
| Licenses applied to only one-half of the hunters..... | 123 |
| Increased licenses of steam vessels of no value..... | 124 |
| (b) <i>Restriction in the number of seals to be taken.</i> | |
| Unfairness of limitations proposed..... | 125 |
| (c) <i>Specific scheme of regulations recommended.</i> | |
| Regulations recommended..... | 125 |
| Limitation of quota on Pribilof Islands..... | 125 |
| Protective zone proposed..... | 125 |
| Close season proposed..... | 126 |
| Basis of proposed close season..... | 126 |
| Close season would have little effect..... | 126 |
| Not entering Bering Sea before July 1, no concession..... | 127 |

TABLE OF CONTENTS.

IX

THIRD, REGULATIONS PROPOSED IN THE REPORT—Continued.

(c) <i>Specific scheme of regulations recommended</i> —Continued.	Page.
“Compensatory adjustments” proposed	127
Supposed pelagic catch, 10,000 a week	128
Unfairness of Commissioners shown	128
Alternative methods of regulations	128

REPLY OF THE UNITED STATES TO THE BRITISH CLAIMS FOR DAMAGES.

Seizures admitted	129
Prohibition of sealing in Bering Sea	129
Reasons why seizures were made	130
Vessels seized, owned by United States citizens	130
Relations of Boscowitz, Warren and Cooper	131
Joseph Boscowitz, United States citizen, owner	131
A. J. Bechtel, United States citizen, owner	131
A. Frank, United States citizen, owner	132
No damages can be awarded for prospective profits	133
Decision in Geneva Arbitration	133
All damages claimed excessive	134
Questions submitted under Article VIII	134
COUNTER CASE REASSERTS THE POSITIONS TAKEN IN THE CASE	135

APPENDIX.

DIPLOMATIC CORRESPONDENCE :	Page.
Relating to the interpretation of the Treaty of Arbitration	139
Relating to erroneous translations of certain Russian documents referred to in the Case of the United States	151
Amended translations	154
Relating to Cases of the Pearl, Lorient, and Harriet	175
Case of the <i>Pearl</i>	175
Case of the <i>Lorient</i>	180
Case of the <i>Harriet</i>	184
RUSSIAN DOCUMENTS	
Relating to the number of seals killed on St. Paul Island, 1860-1866	193
Relating to the visits of foreign whalers to Bering Sea	199
SEIZURES OF AMERICAN AND BRITISH VESSELS BY RUSSIA IN 1892	201

	Page.
OFFICIAL REPORTS.....	207
Reports of Capt. Hooper.....	207
Orders to Capt. Hooper.....	207
Report, dated August 17, 1892.....	208
Report, dated September 6, 1892.....	214
Report, dated November 21, 1892.....	228
Report of Capt. Coulson.....	234
Report of Special Agent Henry.....	245
Report of United States Consul Myers.....	255
Report of Treasury Agent Lavender.....	263
Notes on the Fur-seal Rookeries of the Pribilof Islands, July 18 to 31, 1892, by B. W. Evermann.....	264
EXTRACTS FROM VARIOUS PUBLICATIONS	275
Report of Capt. Bryant, 1869	275
Testimony of Charles Bryant before Congressional Committee, 1876	280
Report of Lieutenant Maynard, 1874.....	280
Report of J. S. Moore, 1875.....	282
"Fisheries and Fishery Industries of the United States" (James G. Swan)	284
Testimony of James G. Swan before Senate Committee.....	286
"List of Reported Dangers in the North Pacific Ocean"	288
Paper prepared by William Palmer	289
"Prodromus of the Zoölogy of Victoria"	292
Fanning's "Voyages Round the World, 1792 to 1832".....	293
"Marine Mammals of the Northwest Coast"	293
Veniaminoff's "Notes on the Islands of the Unalaska District".....	294
MATTER RELATING TO CERTAIN SEALING VESSELS SEIZED BY THE UNITED STATES :	
Extracts from notes made at the trial of Warren <i>vs.</i> Boscowitz and Cooper	301
Extracts from evidence in the case of Warren <i>vs.</i> Boscowitz <i>et alios</i> and Boscowitz <i>vs.</i> Warren <i>et alios</i>	304
Extracts from "Case on Appeal" in the case of Warren <i>et alios vs.</i> Boscowitz <i>et alios</i>	313
Pleadings—Counter claim	315
Answer.....	316
Decree	316
Special proceeding instituted in regard to certain claims against the United States.....	320
LIBELS FILED AGAINST SEALING VESSELS.....	327
APPRAISEMENTS OF SEALING VESSELS.....	329
TABLES RELATING TO CLAIMS OF BRITISH SUBJECTS AGAINST THE UNITED STATES	339
TESTIMONY:	
Relating to claims of British subjects against the United States	341
Relating to fur-seals and seal-skin industry.....	353
(For list of deponents <i>see</i> Index to Appendix, <i>post.</i>)	

TABLE OF CONTENTS.

XI

MISCELLANEOUS:

Page.

Sealskins from the Pribilof Islands entered at San Francisco, 1872 to 1889	409
Sales of sealing schooners.....	410
Tables of catches.....	411
Title page of a London catalogue of fur sealskins	412
Letters to the Secretary of State.....	413
Dr. J. A. Allen	413
Capt. Charles Bryant.....	413
Letter from Judge James G. Swan concerning Bering Sea Commissioners and H. W. Elliott.....	414
Statements as to sealskins:	
C. M. Lampson & Co.....	415
Alfred Fraser.....	415
C. W. Martin & Sons.....	417
Report of speech made by one of the British Bering Sea Commissioners..	418
Declaration of seizure of the British schooner <i>Mountain Chief</i>	419
Certificates as to sale of schooners seized	421
Tables of annual killings, Pribilof Islands, 1871-1889	425
INDEX OF COUNTER CASE	431
INDEX OF APPENDIX	447

COUNTER CASE OF THE UNITED STATES.

INTRODUCTION.

Pursuant to Article IV of the Treaty of Arbitration of 1892, between the United States and Great Britain, the Agent of the United States herewith presents to the Tribunal of Arbitration the Counter Case of his Government, accompanied by certain additional documents, correspondence, and evidence, in reply to the Printed Case, documents, correspondence, and evidence heretofore submitted by Great Britain.

Counter Case.

The United States conceive it to be the main object of the Counter Cases to present matter in rebuttal of such points raised by the Cases as have not already been sufficiently dealt with, and could not reasonably have been so dealt with, therein. They do not, therefore, regard themselves as now called upon to traverse all the posi-

Object of same.

Object of same. tions maintained by Great Britain in its Printed Case, and, where any of such positions not discussed or refuted herein are at variance with those assumed by the United States in their Printed Case, the Tribunal is respectfully referred to that document for a sufficient expression of their views concerning the matters in controversy.

The United States will deal more fully and at later stages of this controversy, through the printed and oral arguments of their Counsel, with all matters requiring argumentative discussion.

Original British
Case and supple-
ment.

On the 5th day of September, 1892, the Agent of the United States received from the Agent of Her Britannic Majesty copies of the Printed Case of Great Britain. The United States considered that the Case thus presented was not a full compliance with the terms of the Treaty. A diplomatic correspondence between the two Governments followed, in which the position of the United States in regard to this matter was fully set forth,¹ and, as a result of this correspondence, Her Majesty's Government delivered to the Agent of the United States and to the Arbitrators the Report of its Bering Sea Commission, accompanied by the statement that the Government of the United States was at liberty to treat this Report as a part of the British Case. The United

¹ *Post*, p. 139.

States have accordingly notified Her Majesty's Government that they regard the Case first presented and the above Report, taken together, as the whole of the British Case, and that no further opportunity is afforded under the Treaty for the introduction of matter not properly in reply to the Case of the United States.¹

For the sake of more convenient reference the term "British Case," when standing alone, will refer to that portion of the same first presented. The term "Report" will refer to the portion last presented, consisting of the Report aforesaid.

¹ *Post*, p. 147.

PART FIRST.

REPLY OF THE UNITED STATES TO THE
BRITISH CASE FIRST PRESENTED.

PART FIRST.

REPLY OF THE UNITED STATES TO THE BRITISH CASE FIRST PRESENTED.

THE TRUE ISSUES IN THE PRESENT CONTROVERSY.

It appears, from an examination of the British Case and the diplomatic correspondence above referred to, that a different opinion is entertained by the two Governments as to the object and scope of the present Arbitration. That Case is devoted almost exclusively to showing that the Government of the United States is not entitled to exercise territorial jurisdiction over the waters of Bering Sea or to exclude therefrom the vessels of other nations. On the other hand, the Case of the United States makes it plain that the main object had in view by the latter Government is the protection and preservation of the seal herd which has its home on the Pribilof Islands.

The distinction between the right of general and exclusive jurisdiction over Bering Sea and the right to protect the seals from extermination is wide and obvious. In order, therefore, to show

Difference of
views as to object
of Arbitration.

Protection of
seals the main ob-
ject of Arbitra-
tion.

Protection of that the latter, and not the former, is the main
 seals the main ob-
 ject of Arbitra-
 tion.

United States deems it proper to place clearly before it some important considerations touching the manner in which the controversy resulting in the Treaty of Arbitration arose, and to indicate what have at all times been regarded by the United States as the essential issues.

Origin of juris-
 dictional contro-
 versy.

The diplomatic correspondence shows that as early as the year 1887 the United States claimed a property interest in the seals of the Pribilof Islands; that the question of sovereignty over Bering Sea was first introduced by Her Majesty's Government and was not touched upon by the United States in the correspondence until three years after the first seizures of British vessels had taken place; and that the subsequent discussion of that question has been at all times incidental to the main question,¹ viz, the proper protection of the seals.

Lord Salisbury
 refers to Russian
 ukase.

On the 10th of September, 1887, Lord Salisbury, in a note to the British Minister at Washington calling attention to the transcript of the judicial proceedings in the cases of the *Carolena*, *Onward*, and *Thornton*, referred to the ukase of

¹Mr. Blaine to Sir Julian Pauncefote, June 4, 1890, Case of the United States, Appendix, Vol. I, p. 218, and also closing portion of Mr. Blaine's note to Sir Julian Pauncefote, December 7, 1890, *ibid.*, pp. 286, 287.

1821 and the treaties of 1824 and 1825, and insisted that they were conclusive in favor of Great Britain's right to take seals throughout Bering Sea.¹

The United States Government did not reply to the point thus raised. On the contrary, on the 19th of August, 1887, Mr. Bayard, Secretary of State, had already sent out to various foreign governments a note,² in which he said: "Without raising any question as to the exceptional measures which the peculiar character of the property in question may justify this Government in taking, and without reference to any exceptional marine jurisdiction that might properly be claimed for that end, it is deemed advisable . . . to obtain the desired ends by international co-operation."³

This was followed on the 7th of February, 1888,³ by a note addressed to Mr. Phelps containing general suggestions for international action, which, in principle, appear to have been assented to by Lord Salisbury.⁴

¹ Appendix to Case of the United States, Vol. I, p. 162.

² Appendix to Case of the United States, Vol. I, p. 168.

³ Appendix to Case of the United States, Vol. I, p. 172.

⁴ Appendix to Case of the United States, Vol. I, pp. 175, 212, 218.

Mr. Bayard invites international coöperation.

On the 2d of March, 1888, Mr. Bayard again insisted on the necessity of protecting the seals "by an arrangement between the governments interested, without the United States being called upon to consider what special measures of its own the exceptional character of the property in question might require it to take, in case of the refusal of foreign powers to give their coöperation."¹ At pages 168 to 194 of Volume I of the Appendix to the Case of the United States will be found the correspondence relating to the proposed international measures.

Mr. Blaine's statement of the issues.

On the 22d of January, 1890, Mr. Blaine, Secretary of State, wrote to Sir Julian Pauncefote, Her Majesty's Minister: "In the opinion of the President, the Canadian vessels arrested and detained in the Behring Sea were engaged in a pursuit that was *contra bonos mores*, a pursuit which of necessity involves a serious and permanent injury to the rights of the Government and the people of the United States. To establish this ground it is not necessary to argue the question of the extent and nature of the sovereignty of this Government over the waters of the Behring Sea; it is not necessary to explain, certainly not to define, the powers and privileges ceded by His Imperial Majesty the

¹ Appendix to Case of the United States, Vol. I, p. 175.

Emperor of Russia in the treaty by which the Alaskan Territory was transferred to the United States. The weighty considerations growing out of the acquisition of that Territory, with all the rights on land and sea inseparably connected therewith, may be safely left out of view, while the grounds are set forth upon which this Government rests its justification for the action complained of by Her Majesty's Government."¹

Mr. Blaine's
statement of the
issues.

The grounds set forth were these:

Justification of
seizures.

(1) The value of the sealeries and the absence of any interference with them down to 1886.

(2) That the taking of seals in the open water rapidly leads to their extermination, because of the indiscriminate slaughter of the animal, especially of the female; with which slaughter Mr. Blaine contrasts the careful methods pursued by the United States Government in killing seals upon the Islands.

(3) That the right of defense by the United States against such extermination is not confined to the three-mile limit, and Mr. Blaine remarks as follows: "Does Her Majesty's Government seriously maintain that the law of nations is powerless to prevent such violation of the common rights of man? Are the supporters of justice in

¹ Appendix to Case of the United States, Vol. I, p. 200.

Justification of all nations to be declared incompetent to prevent seizures.

wrongs so obvious and so destructive?

“In the judgment of this Government, the law of the sea is not lawlessness. Nor can the law of the sea, and the liberty which it confers, and which it protects, be perverted to justify acts which are immoral in themselves, which inevitably tend to results against the interests and against the welfare of mankind.”¹

Lord Salisbury again introduces ukase.

These were the questions involved, according to the view of the Government of the United States. But, notwithstanding the clear manner in which they were presented, and the explicit statement of Mr. Blaine that the right of the United States to protect the seal does not depend upon the nature of their sovereignty over the waters of Bering Sea, Lord Salisbury in his note of May 22, 1890,² again recurs to that subject by quoting Mr. Adams's protest against the ukase of 1821, relying thereon to establish the right of British subjects to fish and hunt throughout Bering Sea outside the three-mile limit, which right, granting it to exist, Mr. Blaine had already stated, would not afford the requisite justification.³

¹ Appendix to Case of the United States, Vol. I, p. 200.

² Appendix to Case of the United States, Vol. I, p. 207.

³ Appendix to Case of the United States, Vol. I, p. 202.

It thus appears that at the inception of this controversy the United States asserted no right to sovereignty over Bering Sea, but sought the concurrence of Great Britain in an international agreement for the protection of the seals, and that it was not until after this effort had failed, on account of the opposition of the Canadian Government,¹ that the Government of the United States undertook a reply to Lord Salisbury's assertion that the treaties of 1824 and 1825 with Russia precluded it from protecting the seals in Bering Sea beyond the three-mile limit. It was in this manner that the first four questions stated in the Treaty of Arbitration were raised. It is not intended to say that they did not occupy a prominent place in the diplomatic correspondence, but only to point out that, long before they had arisen, the other and more important issues submitted to this Tribunal had been the subject of elaborate discussion between the two Governments.

THE ERRONEOUS TRANSLATIONS OF CERTAIN RUSSIAN DOCUMENTS.

Sometime after the United States Government had delivered its Case to the Agent of Her Britannic Majesty, it learned that an imposition

Imposition practiced upon United States Government.

¹ Appendix to Case of the United States, Vol. I, pp. 215, 216, 218.

Imposition practiced upon United States Government. had been practiced upon it by a faithless official, and that it had relied on certain translations of Russian documents made by him, appearing in the first volume of the Appendix to its Case, which translations had in reality been falsified to a considerable extent. Notice of this was immediately given to the Agent of Her Britannic Majesty, and as soon as possible he was furnished with specifications of the false translations and with revised translations of those documents which the United States now retain as a part of their Case.¹ Copies of the revised translations and of the notes sent by the Agent of the United States to the Agent of Her Britannic Majesty in connection with this matter have already been delivered to each of the Arbitrators.

Partial restatement of its Case necessary.

Some evidence which the United States Government had relied on, to prove that for many years prior to the time of the cession of Alaska Russia had prohibited the killing of fur-seals in the waters frequented by them in Bering Sea, thus turns out to be untrue; and it now becomes necessary for the United States to restate, in part, their position in respect to some of the questions submitted to this Tribunal. In so doing they will at the same time introduce such criticisms upon, or rebutting evidence to, the British Case as may seem to be called for.

¹ *Post*, pp. 151-174.

THE SITUATION ABOUT BERING SEA AND ON THE
NORTHWEST COAST DOWN TO THE TREATIES OF
1824-'5.

Russia appears to have first definitely asserted her rights to the territory surrounding Bering Sea, and to the Northwest Coast of America bordering upon the Pacific Ocean, in the ukase of 1799. It was clearly the intention of the Russian Government, as manifested both by this ukase and by its subsequent action down to the time of the cession of Alaska to the United States, to maintain a strict colonial system in the regions above mentioned. And the records show that down to a period as late as 1867, the year of the cession of Alaska, Russia persisted in this policy, although the control she exercised over those distant regions was not always vigilant enough to prevent a certain amount of unlawful trade with the natives from being carried on there in disregard of her prohibition.

The ukase of 1799 was directed against foreigners. Upon this point a quotation is given from a letter from the Russian American Company to the Russian Minister of Finance under date of June 12, 1824, as follows:¹ "The exclusive right granted to the Company in the year 1799 imposed the prohibition to trade in those

Russia's colonial system.

Ukase of 1799.

¹ A facsimile of this document was delivered to the British Government on November 12, 1892.

Ukase of 1799. regions, not only upon foreigners but also upon Russian subjects not belonging to the Company. This prohibition was again affirmed and more clearly defined in the new privileges granted in the year 1821, and in the regulations concerning the limits of navigation." This interpretation of the ukase of 1799 is sustained by the subsequent history of those same regions.

Chapter I of
British Case.

In Chapter I of the British Case an endeavor is made, however, to show that under the ukase of 1799 Russia reserved to the Russian American Company no exclusive rights as against foreigners, and that for many years prior to 1821 the waters affected by the ukase had been freely used for all purposes by vessels of all nations. This is sought to be made out by treating the waters of Bering Sea and those adjoining the Northwest Coast of America as a single area;¹ and numerous instances are referred to in which portions of this area, namely, the shores and waters of the American coast east and south of Kadiak, were visited by foreigners for trade with the natives.

Distinction between Bering Sea region and Pacific Ocean.

The territories and waters which the British Case thus confounds the United States have carefully distinguished, and they take issue with Her Majesty's Government upon the point that

¹ British Case, p. 13.

“no claim has been advanced by Russia which could possibly render a distinction between Behring Sea and the main Pacific of the slightest importance” (British Case, p. 60). The United States have devoted a portion of their Case, under the title “Claims to the Northwest Coast” (pp. 26 to 33), to showing that the part of the American continent which is washed by the North Pacific Ocean was being constantly visited by vessels of all nations, and that serious conflicts arose as to the trading rights there. Indeed, of all the voyages of foreign vessels, whether for discovery or trade, enumerated at pp. 14 to 20 and 29 to 31 of the British Case, not more than two or three relate to the shores and waters of Bering Sea. The fact is, that, while Russia’s title to everything south and east of the Alaskan Peninsula was, in the early part of this century, in serious dispute, her title to the coasts north of this peninsula and to the Aleutian Islands, based upon prior discovery and occupation, was admitted on all sides, and her rights there were respected by all nations. This has already been pointed out.¹

The British contention (British Case, pp. 33, 35, 64) that the United States contested Russia’s

¹ Appendix to Case of the United States, Vol. I, pp. 12, 13, especially the extracts from the Quarterly Review and the North American Review.

Distinction between Bering Sea region and Pacific Ocean.

title to any portion of the North American continent is sufficiently disposed of by a remark made by Mr. Middleton, in which he shows that he is merely denying her claims to any portion of the coast east and south of Prince William Sound, or thereabouts. He says, speaking of the early Russian discoveries: "From these discoveries Russia derives her rights to that long chain of islands intervening between the western and eastern continents, and even to a very considerable portion of the continent of America—rights which have never been contested."¹

Ukase of 1821.

The ukase of 1821, which was a renewed declaration of the colonial system already referred to, prohibited to foreign vessels the approach within one hundred miles to the shores of Bering Sea and to a large portion of the Northwest Coast of America bordering on the Pacific Ocean. The objects thereby sought to be accomplished are set forth at pp. 38 to 40 of the Case of the United States.

Character of control claimed over Bering Sea.

Much misconception exists in the British Case as to the character of the control which the United States claim was exercised or intended to be exercised by Russia within this limit. The Government of the United States has already shown, at p. 57 and pp. 295 to 303 of its Case, that it does

¹ Appendix to Case of the United States, Vol. I, p. 13, and American State Papers, Foreign Relations, Vol. V., p. 450.

not impute to Russia an intention to treat the one-hundred-mile belt as territory belonging to her, with the right to exclude therefrom vessels of other nations for all purposes. Nor have the United States any wish to dispute the construction given by the British Government at pp. 38 to 40 of its Case, so far as it is designed to show that the main purpose of the ukase of 1821 was the protection of Russian interests upon the shores of the colonies, and that its maritime provisions were only intended to serve the purpose of effectually carrying out such protection.

The distinction between the right of exclusive territorial jurisdiction over Bering Sea, on the one hand, and the right of a nation, on the other hand, to preserve for the use of its citizens its interests on land by the adoption of all necessary, even though they be somewhat unusual, measures, whether on land or at sea, is so broad as to require no further exposition. It is the latter right, not the former, that the United States contend to have been exercised, first by Russia, and later by themselves.

The ukase of 1821 evoked strong protests, and the character of these protests is explained at pages 50 and 51 of the Case of the United States. It is further pointed out at pages 52 and 53 that in the treaties resulting from these protests

Character of
control claimed
over Bering Sea.

No exclusive
territorial juris-
diction claimed.

Protests against
ukase, and result-
ing treaties.

Protests against ukase, and resulting treaties.

a clear distinction is intended to be drawn between the Pacific Ocean and Bering Sea, and that by formally withdrawing the operation of the ukase as to the Pacific Ocean, but not as to Bering Sea, a recognition of its continued operation over the latter body of water was necessarily implied. The chief evidence, aside from that contained in the treaties themselves, upon which the United States rely to establish this conclusion, is the seventh paragraph of the conference report of the Russian imperial committee, appointed in 1824, which report is referred to at page 54 of their Case.¹

Case of the *Pearl*.

At pages 57 and 73 of the British Case an incident arising out of a voyage of the American brig *Pearl* is cited to prove that, in the year following the promulgation of the ukase, Russia acknowledged the maritime jurisdiction claimed therein to be without warrant as to any of the waters to which it related. The facts of the case are not, however, susceptible of such an interpretation, as will appear from the following:

(1) The *Pearl* was in the year 1822 suddenly ordered out of the harbor of New Archangel, where she had been lying for nearly a month.²

(2) The day following she was boarded by the

¹ The revised translation of this report appears in the Appendix to the Counter Case, p. 157, and should be consulted.

² *Post*, p. 175.

Russian cruiser *Apollo*, but there is no evidence to show that this boarding occurred in extraterritorial waters; on the contrary, the just inference from the words used in the protest "Ordered to leave the coast immediately," and from the single casual mention of the occurrence, is that it took place near the shore.¹ Case of the *Pearl*.

(3) The owners not only pleaded complete ignorance of the ukase (and in this they were sustained by the fact that the vessel had sailed before the United States had received notice of the same), but they distinctly admitted that they would have obeyed its injunctions had they known of it.²

(4) The Russian Government insisted up to the very last that the *Pearl* had violated Russian law, and that the indemnity was paid only with a view "to cement those amicable relations to which the convention of April 5-17 has just added new value."³

PERIOD FOLLOWING THE TREATIES.

The strict colonial system, inaugurated by Russia through the ukase of 1799 and recognized in express terms to exist by the treaties of 1824 and 1825, was continued throughout the period Continuation of colonial system.

¹ *Post*, p. 176.

² *Post*, p. 177.

³ *Post*, p. 180.

following the celebration of those treaties, and clear evidence of this is furnished by the case of the *Loriot*, cited at pp. 79 to 83 of the British Case. Deeming this incident only indirectly relevant to the question of right in and about Bering Sea, the United States dismissed it in their Case with a very brief mention;¹ but the importance given it by the British Government now requires a more complete statement of the facts and issues involved.

The treaty of 1824 granted for a term of ten years certain trading privileges upon the coast between Yakutat Bay and latitude 54° 40' north.² On May 19, 1835, the United States were notified by the Russian Minister that the privileges had come to an end and that the captains of two American vessels at Sitka had been requested to take notice of this fact. The United States thereupon initiated strenuous efforts to obtain a renewal of the privileges in question, and while doing so news was received of the seizure by the Russians of the *Loriot*, an American vessel, for trading upon the Northwest Coast, in latitude 54° 55' north, *i. e.*, just above the southernmost limit referred to in the treaty of 1824.

¹ Case of the United States, p. 59.

² Case of the United States, p. 58.

Vigorous protests followed on the part of the United States and compensation was demanded, the protests being used to strengthen the claim already put forward for a renewal of the ten years' privileges. A summary of the diplomatic correspondence will be found in the Appendix hereto.¹ It is sufficient to say here that the Russian Government was so obdurate in its refusal to recede from its position, that the United States Government was eventually compelled to recognize the correctness of the same and to completely abandon its claim. In so far, then, as the *Loriot* case has any bearing upon the questions here involved, it shows that the United States Government recognized and acquiesced in the colonial system which Russia maintained, even to the south of Sitka.

Chapter IV of the British Case treats of the waters of Bering Sea and the Pacific Ocean adjacent to the Northwest Coast during the period following the treaties. Some of the vessels referred to as having made voyages to those regions visited the Northwest Coast only where, it is to be remembered, for ten years after the treaties trade was carried on by American and British citizens with the express consent of the Russian Government. After 1835, however, most of the voyages that extended

Case of the *Loriot*.

Chapter IV of the British Case.

¹ *Post*, p. 180-184.

Chapter IV of the British Case. to the coast north of latitude $54^{\circ} 40'$ were in violation of Russian law. All violations may not have been punished, but that the law was none the less in force is shown by the seizure of the *Loriot*, by the proclamation of the United States Government in 1845,¹ and by the proclamation of the Russian Government in 1864.²

Visits of whalers to Bering Sea.

Later, however, especially in the years following 1840, Bering Sea was actually visited, as pointed out at pp. 83 to 90 of the British Case, by numerous vessels, mostly whalers. But it is shown by Bancroft, the author so frequently quoted by the British Government, that the whaling industry was not, for the Russians, a profitable one,³ and there appears to have been no motive for protecting that industry by the imperial ukase or the regulations of the colonial government. Bancroft is also referred to in the British Case (pp. 83 and 84) to show that in 1842 the Russian Government refused Etholin's request that Bering Sea be protected against invasions of foreign whalers, on the ground that the treaty of 1824 between Russia and the United States gave to American citizens the right to engage in fishing over the

¹ Case of the United States, p. 59.

² *Post*, p. 164.

³ Bancroft's Alaska, p. 584.

whole extent of the Pacific Ocean.¹ From what is said, however, by this same author immediately following the above citation, it appears that, through the endeavors of Etholen, "the Government at length referred the matter to a committee composed of officials of the navy department, who reported that the cost of fitting out a cruiser for the protection of Bering Sea against foreign whalers would be 200,000 roubles in silver and the cost of maintaining such a craft 85,000 roubles a year. To this a recommendation was added that, if the company were willing to assume the expenditure, a cruiser should at once be placed at their disposal."¹ Hence, according to Bancroft, the failure to protect Bering Sea can not be traced to the fact that the Russian Government considered it had lost the right to do so by the treaties of 1824 and 1825.

The position of the United States does not, however, depend on the foregoing explanation being the true one. Why Russia claimed to guard her coasts for a distance of 100 miles has already been pointed out; and from the fact that, for whatever reason, she may have suffered the carrying on of whaling or of any sort of *fishing* in Bering Sea, it does not follow that she relin-

Visits of whalers to Bering Sea.

Right to protect seals not relinquished.

¹ Bancroft's Alaska, p. 583.

quished her clear right to protect her seal herds on their way to and from their breeding grounds.

Evidence of
surveillance over
Bering Sea.

Even as to the whalers this much is certain: their movements were, after the year 1850, or thereabouts, closely watched; and in support of this, and of the broader proposition that a general surveillance was exercised over the colonial seas, the following evidence is offered.

It appears that in 1849 foreign whalers visited the Pribilof Islands. This evoked from the board of administration of the Russian American Company a letter to the chief manager, dated July 13, 1850, in which it is said: "At the same time the board of administration expects that you, like your predecessor, have taken all necessary measures for guarding the Pribilof Islands, which are of such importance to the Company, from a repetition of similar attempts on the part of foreigners. In future, and until the clearing of those waters from whalers by means of a cruiser, of whose sending the board has already received information, you are directed to order the Company's cruisers to pay particular attention to the Pribilof Islands."¹

On the 18th of April, 1852, the board of administration again wrote the chief manager concerning the visits of foreign whalers, and stated that

¹ *Post*, p. 199.

it had requested the governor-general of Eastern Siberia, "in order to save the Company from injury caused by such occurrences, to issue instructions, making it the duty of such armed cruisers as his excellency may have at his disposition to patrol the colonial seas, especially around the Commander Islands," where the foreign whalers were reported to assemble in great numbers in the summer season. Continuing, the board directed the chief manager "to fit out a Company's cruiser, independently of the naval cruiser, and to instruct it to cruise in those places where, on close investigation, it may appear necessary."¹

On the 20th of March, 1853, the board of administration of the Russian American Company wrote to the chief manager, giving full directions as to the disposition to be made of the colonial fleet in that year. One vessel was to "be sent at the end of April to cruise and keep a watch over the foreign whaling vessels in the southern part of Bering Sea and along the Aleutian group," and this vessel was to cruise throughout the above district continually, entering port only in cases of necessity. Another vessel was to proceed to the northern part of Bering Sea and there do duty as a cruiser "to keep watch over the foreign whalers and the

Evidence of
surveillance over
Bering Sea

¹ *Post*, p. 200.

Evidence of
surveillance over
Bering Sea.

Englishmen with regard to the trade carried on by them with our savages."¹

One of the concluding injunctions of this letter to the chief manager is as follows: "That the colonial seas, so far as possible, be visited in every part by the Company's cruisers for the purpose of keeping watch over the foreigners, and for this purpose, in giving instructions to our cruisers, that you conform yourself to the intended movements of the Company's whaling vessels, which can also do duty as cruisers if they are carrying on their fishery in Bering Sea, and provide that the Company's vessels designated for visiting the many islands of the colonies be, so far as possible, under the command of naval officers."¹

On the 20th of June, 1861, the chief manager wrote to Benzeman, of the imperial navy: "It has come to my knowledge that two whaling vessels have been sent this year from San Francisco to trade on the Pribilof Islands. I therefore request your excellency, during the time appointed for your voyage, to do duty as a cruiser on the exact basis of the instructions herewith inclosed, which have been approved by the Emperor."²

¹ *Post*, p. 161.

² *Post*, p. 162.

While it does not appear from any of the foregoing documents to what distance from the shores of Bering Sea Russia actually sought to protect her colonies against inroads from foreigners, yet there is nothing to show that she had in the meanwhile receded from the position taken in the ukase of 1821 and sanctioned, as the United States claim, by the resulting treaties. On the contrary, the broad language in which a patrol of the colonial seas is directed to be instituted, especially about the Pribilof and Commander Islands, strongly suggests that even at this late period Russia was still safeguarding her colonial interests by all necessary means.

It is true, no instance appears to have been recorded where a vessel was warned or seized for actually killing fur-seals in the waters of Bering Sea. But in view of what we know of Russia's solicitude and care for her sealeries, especially in the years following 1836, it can not be doubted that such killing, had it occurred, would have been regarded as unlawful. In making this assertion the United States believe they are fully sustained by Russia's action during the summer of 1892. In that year sealing vessels assembled in great numbers about the Commander Islands and killed fur-seals in the extra-territorial waters surrounding this group. Russia,

Conclusions
from foregoing
evidence.

Russia's action
in 1892.

Russia's action in 1892. anticipating that her seal herd would be thus preyed upon, had dispatched to those waters in the early part of the season two cruisers, which seized six vessels, five of them British and one of them American, carrying them in from a distance greater than three miles from any land.¹

Final observations upon historical and jurisdictional questions. In conclusion, and by way of final observation upon this branch of the controversy, the United States Government has only to say that in its view the whole subject of the character and extent of the Russian occupation and assertion of right in and over Bering Sea, and all the diplomatic discussion which has taken place in reference thereto, is of secondary and very limited importance in the consideration of the case submitted to the Tribunal, and it relies upon the evidence submitted in respect to that subject as showing only:

First That soon after the discovery by Russia of the Alaskan regions, and at a very early period in her occupancy thereof, she established a fur-seal industry on the Pribilof Islands and annually killed a portion of the herd frequenting those islands for her own profit and for the purposes of commerce with the world; that she carried on, cherished, and protected this industry by all necessary means, whether on land or at

¹ *Post*, p. 201.

sea, throughout the whole period of her occupancy and down to the cession to the United States in 1867; and that the acquisition of it was one of the principal motives which animated the United States in making the purchase of Alaska.

Final observations upon historical and jurisdictional questions.

Second. That by no act, consent, or acquiescence of Russia was the right renounced to carry on this industry without interference from other nations, much less was a right in other nations to destroy it in any manner admitted or recognized; and that no open or known persistent attempt had ever been made to interfere with it down to the time of the cession of Alaska to the United States.

Third. That the claim now made by the United States Government of a right to protect and defend the property and interest thus acquired, and which it has ever since sedulously maintained, while in no sense dependent upon any right previously asserted by Russia in the premises, is, nevertheless, in strict accordance with, and in continuation of, the industry thus established and the rights asserted and maintained by Russia in connection therewith.

THE RIGHT OF PROTECTION AND OF PROPERTY
IN THE ALASKAN SEAL HERD.

British view of
protection and
property claims.

At pages 11 and 135 of the British Case the proposition submitted in the fifth question of Article VI, viz, whether the United States have any right of protection or of property in the fur-seals of the Pribilof Islands when found in extra-territorial waters, is described as new in the present discussion and as being of an unprecedented character; all of which the United States deny.

History of pro-
tection and prop-
erty claims.

In view of the correspondence which has resulted in the submission of the fifth question to arbitration, this declaration is most surprising. As early as August 19, 1887, Mr. Bayard, in his note, sent out with the hope of obtaining the co-operation of all governments in the protection of the seals, speaks of the "exceptional measures which the peculiar character of the property in question" might justify the United States in taking toward its preservation.¹ A similar statement was again made by him March 2, 1888.²

Mr. Blaine in-
sists on right of
protection.

Mr. Blaine, in his note to Sir Julian Pauncefote of January 22, 1890, insisted on the right of the United States to protect the seals, quite irrespective of any peculiar rights in Bering Sea.³

¹ Appendix to Case of United States, Vol. I, p. 168.

² Appendix to Case of United States, Vol. I, p. 175.

³ Appendix to Case of United States, Vol. I, p. 200.

This note has already been referred to at some length (*ante*, p. 10), and some of the grounds have been pointed out upon which the United States Government deemed itself justified in its action. Mr. Blaine assimilated this right of protection to that conferred upon Great Britain by her "ownership" of the Ceylon pearl fisheries. Although it is not specifically claimed therein that the United States own the seals, yet the point is strongly suggested, while the right of protection, irrespective of strict ownership, is asserted in clear terms.

On June 4, 1890, Mr. Blaine wrote to Sir Julian Pauncefote: "May I ask upon what grounds do the Canadian vessels assert a claim, unless they assume that they have a title to the increase of the seal herd? If the claim of the United States to the seals of the Pribilof Islands be well founded, we are certainly entitled to the increase as much as a sheep-grower is entitled to the increase of his flock."¹

On the 17th of December, 1890, Mr. Blaine addressed to the British Minister an exhaustive note in relation to the construction of the ukase of 1821 and the treaties of 1824 and 1825.² Notwithstanding the earnestness and vigor with

¹ Appendix to Case of United States, Vol. I, p. 219.

² Appendix to Case of United States, Vol. I, p. 263.

Jurisdictional questions not the true issue.

which he had defended his position based upon those documents, he insisted at the close of his note that he had not been dealing with the true issues in the case; and he forthwith proceeded to state those issues by quoting the following from a dispatch written by Mr. Phelps when United States Minister at London to Mr. Bayard, Secretary of State, on the 28th of September, 1888:¹

Mare clausum doctrine inapplicable.

“Much learning has been expended upon the discussion of the abstract question of the right of *mare clausum*. I do not conceive it to be applicable to the present case.

Mr. Phelps asserts ownership in sealeries.

“Here is a valuable fishery, and a large and, if properly managed, permanent industry, the property of the nation on whose shores it is carried on. It is proposed by the colony of a foreign nation, in defiance of the joint remonstrance of all the countries interested, to destroy this business by the indiscriminate slaughter and extermination of the animals in question in the open neighboring sea, during the period of gestation, when the common dictates of humanity ought to protect them, were there no interests at all involved. And it is suggested that we are prevented from protecting ourselves against such depredations because the sea, at a certain distance from the coast, is free.

¹Appendix to Case of United States, Vol. I, p. 287.

“The same line of argument would take under its protection piracy and the slave trade, when prosecuted in the open sea, or would justify one nation in destroying the commerce of another by placing dangerous obstructions and derelicts in the open sea near its coasts. There are many things that can not be allowed to be done on the open sea with impunity, and against which every sea is *mare clausum*. And the right of self-defense as to person and property prevails there as fully as elsewhere. If the fish upon Canadian coasts could be destroyed by scattering poison in the open sea adjacent, with some small profit to those engaged in it, would Canada, upon the just principles of international law, be held defenseless in such a case? Yet that process would be no more destructive, inhuman, and wanton than this.

All acts not justifiable because committed on high seas.

“If precedents are wanting for a defense so necessary and so proper, it is because precedents for such a course of conduct are likewise unknown. The best international law has arisen from precedents that have been established when the just occasion for them arose, undeterred by the discussion of abstract and inadequate rules.”

Growth of international law.

The views thus expressed by Mr. Phelps were declared by Mr. Blaine, in his note, to be the views adopted by the Government of the United States.

The United States adopt Mr. Phelps's views.

Lord Salisbury
in error.

On the 14th of April, 1891, Mr. Blaine wrote to Sir Julian Pauncefote: "In the opinion of the President, Lord Salisbury is wholly and strangely in error in making the following statement: 'Nor do they (the advisers of the President) rely, as a justification for the seizure of British ships in the open sea, upon the contention that the interests of the seal fisheries give to the United States Government any right for that purpose which, according to international law, it would not otherwise possess.'

Rights arising
out of ownership
of Islands and
habits of seals.

"The Government of the United States has steadily held just the reverse of the position which Lord Salisbury has imputed to it. It holds that the ownership of the islands upon which seals breed; that the habit of the seals in regularly resorting thither and rearing their young thereon; that their going out in search of food and regularly returning thereto, and all the facts and incidents of their relation to the islands, give to the United States a property interest therein; that this property interest was claimed and exercised by Russia during the whole period of its sovereignty over the land and waters of Alaska; that England recognized this property interest so far as recognition is implied by abstaining from all interference with it during the whole period of Russia's ownership of Alaska and during the

first nineteen years of the sovereignty of the United States. It is yet to be determined whether the lawless intrusion of Canadian vessels in 1886 and subsequent years has changed the law and equity of the case theretofore prevailing.”

Rights arising out of ownership of Islands and habits of seals.

The correspondence also shows that the habits of the seals, all the details as to their life on the Pribilof Islands, the character of their annual migration, and all the facts necessary to support the claims of protection and of property set up by the United States, have been the subject of careful investigation and discussion between the two Governments.¹

All facts relating to property claim fully discussed.

¹ Appendix to British Case, Vol. III, Part 1, pp. 424-453, and House Ex. Doc., No. 450, 51st Cong., 1st sess., pp. 15-51. At pp. 45 of Vol. III and 48 of the Ex. Doc. aforesaid, Dr. Dawson, one of the British Bering Sea Commissioners, under date of March 5, 1890, discusses fully the facts upon which the property claim is based.

See also Debates House of Commons, Dominion of Canada, 1888, Vol. XXVI, p. 976. In a speech made April 25, 1888, Mr. Baker, M. P., quoted the following from the tenth census (1880) of the United States: “The fur seals of Alaska collectively and individually are the property of the general Government. * * * Every fur seal playing in the waters of Bering Sea around about the Pribilof Islands, no matter if found so doing 100 miles away from the rookeries, belongs there, has been begotten and born therein, and is the animal that the explicit shield of the law protects; no legal scepticism or quibble can cloud the whole truth of any statement (*sic*).” Commenting on the foregoing, Mr. Baker says: “It would appear that the United States revenue cutters are going on some absurd contention of this kind in their seizure of British vessels in the Behring Sea.”

Claim of protection and ownership not new.

The foregoing completely disproves the statement at page 135 of the British Case that the claim of protection and of ownership by the United States in the fur-seals is new; and also the statement at page 140 relating to the "absence of any indication as to the grounds upon which the United States base so unprecedented a claim."

Case of the *Harriet*.

The British Case refers at page 136 to the case of the American schooner *Harriet* for the purpose of showing that the United States have denied to other nations a right of protection and property in seals when on the high seas. A careful examination, however, of the facts will readily show that they fail to bear in any way upon the point to prove which they were cited.

In 1831 one Vernet, who had been appointed by the Republic of Buenos Ayres governor of the Malvinas (Falkland) Islands, seized the *Harriet*, charged with the taking of seals on those islands. The American Chargé at Buenos Ayres protested against the seizure, and a lengthy correspondence ensued, all the material parts of which are given in the Appendix hereto.¹ From this correspondence it is apparent:

First. That it was not the intention of either Government to raise any question as to the juris-

¹ *Post* p. 184-191.

diction over the high seas, or as to the rights of ^{Case of the} protection or property in seals when found on ^{Harriet.} the high seas. Seals were never taken at the Falkland Islands otherwise than on land, and the *Harriet* was not charged with the offense of taking them on the high seas.

Second. The real question in the dispute was whether the Republic of Buenos Ayres owned the coasts upon which sealing had been indulged in by the captured schooner, and upon this point issue was actually joined by the two Governments. The position assumed by the American Chargé was that the Falkland Islands were unoccupied and under the sovereignty of no nation, and that, therefore, sealing on them was open to all.

Third. It is true, the American Chargé asserts that "the ocean fishery is a natural right," and that "every interference with it by a foreign power is a natural wrong;" and these assertions appear to be relied on at page 137 of the British Case to defeat the claims of protection and property now put forward by the United States. The context¹ shows, however, that, so far as sealing is concerned, the Chargé was merely laying a foundation for the proposition that, granting the title of Buenos Ayres to the coast in question to be

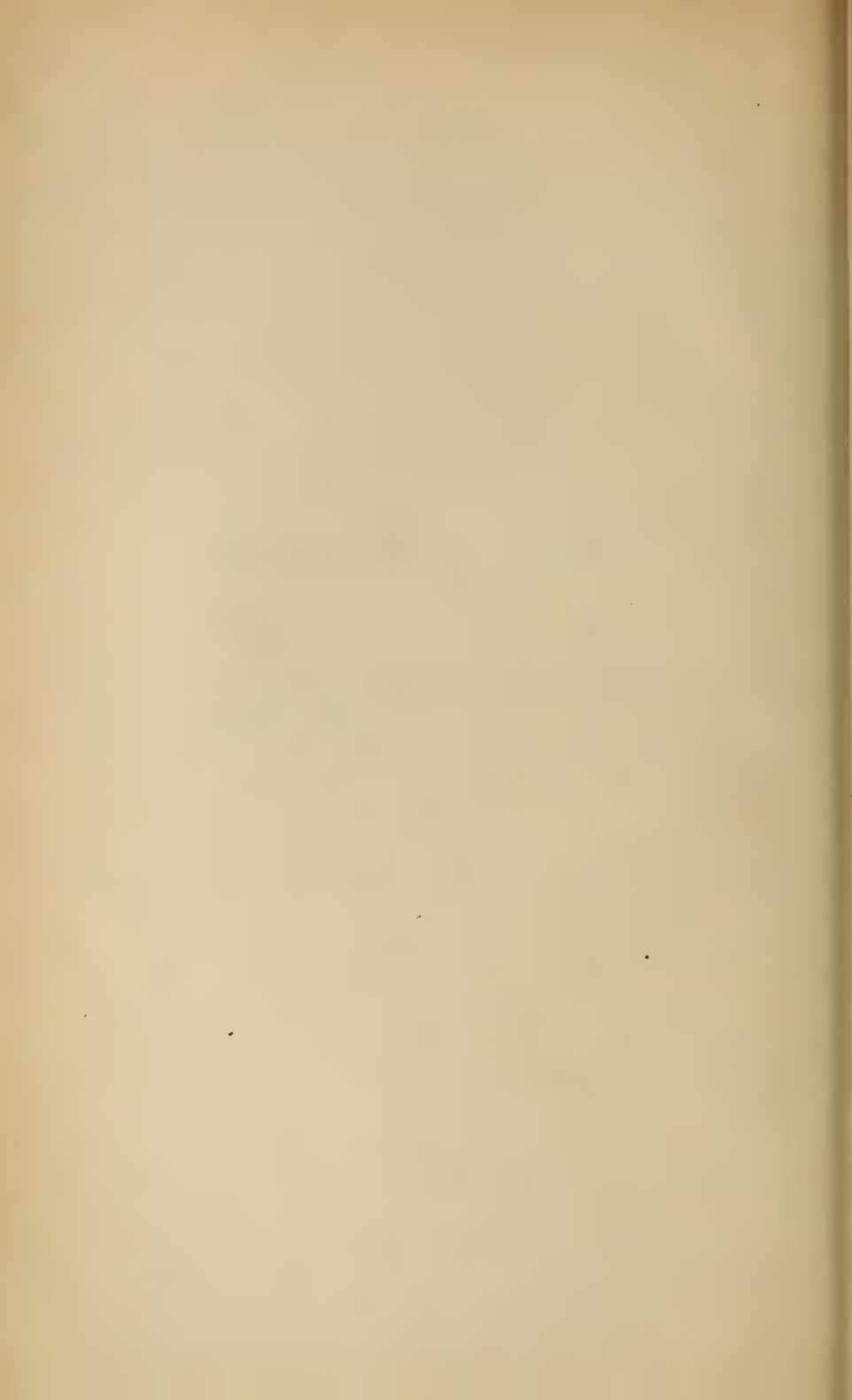
¹ *Post*, p. 190.

Case of the
Harriet. perfect, yet it was bare and uninhabited, and, therefore, justice required that "the shores, as well as the body of the ocean, ought to be left common to all;" which proposition, if established, would have justified the act of the *Harriet*. The accuracy of this proposition the United States are not now called upon to discuss, since it has no bearing upon the present issues.

In dismissing the case of the *Harriet* the United States again insist that it is wholly irrelevant to the present controversy, for the reason that no occasion had arisen for the assertion of any right to protect seals when away from land, and no such right was, in fact, either asserted or denied by either party.

PART SECOND.

REPLY OF THE UNITED STATES TO THAT
PORTION OF THE CASE OF GREAT BRIT-
AIN CONTAINED IN THE REPORT OF
THE BRITISH COMMISSIONERS.



PART SECOND.

REPLY OF THE UNITED STATES TO THAT
PORTION OF THE CASE OF GREAT
BRITAIN CONTAINED IN THE REPORT
OF THE BRITISH COMMISSIONERS.

THE BRITISH COMMISSIONERS AND THEIR REPORT.

The Report, bearing date June 21, 1892, of the Commissioners of Great Britain, which is herein treated as the second part of the British Case, was delivered to the Agent of the United States and to the Arbitrators in pursuance of an agreement reached by a diplomatic correspondence between the two Governments, already cited (*ante*, p. 2), but not until the 25th of October, 1892, and after the lapse of seven weeks from the delivery of the original British Case.

The character of the Report will be discussed somewhat in detail in the following pages, and it is considered to be proper that some observations should be made at the outset as to the composition of the Commission. In 1891, when the subject of a *Modus Vivendi*, as preliminary to the contemplated Treaty, was under discussion,

The Bering Sea
Commission.

The Bering Sea Commission. it was proposed in the course of the correspondence

that a "Joint Commission" be appointed to investigate the facts in relation to seal life, with a view of obtaining beforehand information which might be useful to the contemplated Tribunal of Arbitration in the discussion of measures for its protection and preservation, should that subject be submitted to the Tribunal;¹ and, while the formal constitution of the Commission was reserved as a subject to be disposed of in the contemplated Treaty, it was deemed expedient that, in the meantime, two agents should be designated on the part of each Government, immediately after the signature of the *Modus Vivendi*, to begin such an investigation.

The *Modus Vivendi* was signed on the 15th of June, 1891, and as early as the 3d of July of the same year the Acting Secretary of State proposed to Her Majesty's Minister in Washington "that arrangements be made to have these agents of the respective Governments go together, so that they may make their observations conjointly." On July 6, 1891, the Minister answered that, having communicated this proposal to Lord Salisbury, his lordship replied "that a ship had already been chartered to take the British Commissioners to the seal islands,"

¹ Appendix to Case of the United States, Vol. I, pp. 305, 311, 312.

but that they would be instructed "to coöperate as much as possible" with the United States Commissioners.¹ It appears from the Report of the British Commissioners that the only intercourse had by them with the Commissioners of the United States was during "several days" on the Pribilof Islands (Sec. 12), while "the cruize in the North Pacific occupied nearly three months" (Sec. 20).

The Bering Sea
Commission.

The manner in which the British Commissioners conducted their investigations and the spirit which actuated them may in part be inferred from the account which one of them, then a member of the British Parliament, gave publicly to his constituents after his return to England². The agreement for the constitution of the Joint Commission was actually made and signed on December 18, 1891, before the Treaty was executed, and Secretary Blaine, on being advised, February 6, 1892, by Her Majesty's Minister of the names of the British Commissioners, and that they had arrived in Washington and were ready to enter into conference with the Commissioners of the United States, felt it necessary to address the Minister a note, expressing regret that the British Government had selected persons who seemed

The British
Commissioners.

Secretary
Blaine's note to
Sir J. Pauncefote.

¹ Appendix to Case of the United States, Vol. I, p. 322.

² *Post* p. 418.

Secretary "disqualified for an impartial investigation and
Blaine's note to determination of the questions to be submitted
Sir J. Pauncefote. to them."¹

Meetings of the to them."¹ The Commissioners of the two Gov-
Joint Commission. ernments, after conferences during the period
from February 8 to March 4, 1892, adjourned,
and the Report now under consideration is the
one subsequently prepared by the British Com-
missioners and which has been delivered to the
United States and the Arbitrators as a part of the
British Case.

Report of British The bulk of the matter contained in this Report
Commissioners. relates to points considered with considerable
fullness in the Case of the United States, and
may so far be regarded as presenting questions
to be dealt with by the printed and oral argu-
ments provided for by the Treaty; but it also
embraces matters of allegation, in support of the
positions taken upon the part of Great Britain,
which have not been dealt with by anticipation
in the Case of the United States; and also mat-
ters of evidence, bearing upon points dealt with
in that Case, the truth or sufficiency of which
are denied by the United States.

¹ Appendix to Case of United States, Vol. I, p. 348; and Dr.
Dawson's paper, Appendix to British Case, Vol. 3, United States
No. 2 (1890), p. 450.

These subjects and also the schemes of regulations proposed in the Report¹ constitute matter which should be dealt with in this Counter Case. It will be treated of under appropriate heads.

Report of British
Commissioners.

¹ NOTE.—The term "Report" as used herein refers to the Report of the Bering Sea Commissioners, unless otherwise specified; and the term "Case" refers in the same manner to the Case of the United States. All references in the text of this portion of the Counter Case to sections or pages refer to sections or pages of the Report of the British Bering Sea Commissioners, unless otherwise specifically stated.

FIRST.

MATTERS IN RELATION TO WHICH THE REPORT AND THE CASE OF THE UNITED STATES MATERIALLY CONFLICT, AND CONCERNING WHICH PROPOSITIONS OR FACTS ARE ALLEGED IN THE REPORT WHICH HAVE NOT BEEN CONSIDERED IN THE CASE OF THE UNITED STATES.

HABITS OF THE FUR-SEALS.

1. *Distribution of seals in Bering Sea and the suggested intermingling of the Pribilof and Commander seal herds.*

Intermingling of
the Alaskan and
Russian herds.

The British Commissioners, in considering the intermingling of the two herds, after stating the fact that the Pribilof herd enters and leaves Bering Sea by the eastern passes of the Aleutian Islands and referring to certain statements made in the Report as to migration, continue: "These circumstances, with others which it is not necessary to detail here, are sufficient to demonstrate that the main migration routes of the seals frequenting the Commander Islands do not touch the Aleutian chain, and there is every reason to believe that, although the seals become more or less commingled in Bering Sea during the summer, the migration routes of the two sides of the North Pacific are essentially distinct." (Sec. 198.)

Again, in considering this question, after making practically the same statement, that the migration routes are distinct, the Commissioners add “* * * it is believed that, while to a certain extent transfers of individual seals or of small groups occur probably every year between the Pribiloff and Commander tribes, that is exceptional rather than normal” (Sec. 453). In spite, however, of these admissions that all intermingling of the two herds is abnormal and infrequent, they still assert that such interchange takes place (Sec. 170). In support of such an assertion two charts are presented in the Report (Nos. III and IV, facing p. 150) purporting to give the distribution of seals in Bering Sea during two periods, namely, July 15 to August 15 and August 15 to September 15 (Sec. 213). The chart also, which purports to show the resorts and migration routes of fur-seals in the North Pacific (No. II, facing p. 150), assumes a similar distribution.

Intermingling of
the Alaskan and
Russian herds.

Charts Nos. III
and IV of the Re-
port.

Chart No. II of
the Report.

The data, from which these charts as to the distribution of seals in Bering Sea were constructed, are stated in the Report to be the sealing logs kept by the American and British cruisers in Bering Sea during the season of 1891 and “information on the same subject * * * sought in various other ways, such as by inquiry

Data from which
the charts were
compiled.

Data from which the charts were compiled. from the captains and hands of sealing vessels met in Victoria and Vancouver and from the inhabitants of various places touched at during the

Insufficiency of data. summer" (Sec. 210). The United States deny that the data collected by the American and British cruisers warranted such construction of the charts Nos. III and IV or of that part of chart No. II which purports to give the summer resort of the two great seal herds. And the United States claim that the "information" obtained "in various other ways" should have no influence upon the Tribunal, inasmuch as the evidence or statements thus relied upon are not presented and the Commissioners have even failed to give the names of their informants.

Principal data relied upon. It is evident, from the particular manner in which the Report describes the way in which the data collected by the war ships of the two nations were taken (Secs. 210, 212, 213), that such data were their principal source of information; but it is contended that the observations of seals, reported by the vessels, do not sustain the assumed density and distribution of seal life in Bering Sea which is made to appear by the charts above referred to. In support of these denials the United States produce the copies of the data relied upon, compiled from the seal logs of the British cruisers by the British Commis-

sioners, and by their courtesy furnished to this Government, and the data compiled from the seal logs of the American vessels.¹ The attention of the Arbitrators is particularly directed to the area of sea between the Pribilof and Commander Islands, the extent covered by the cruises in that section, and the number of seals there observed.

The United States also present in support of their contention on this question a chart showing the cruises of American vessels in Bering Sea during the summer of 1892, which vessels made particular observations as to the density and locality of seals in Bering Sea.² This chart is compiled by the Navy Department of the United States from the logs of the American Bering Sea squadron on file in that Department, and it demonstrates how completely the sea areas about the Pribilof Islands were covered by the observations of 1892.

The United States also present in support of their position on this question a chart, compiled from the seal logs of said vessels, kept in the same manner as those of 1891 by each vessel of the squadron, which chart shows the num-

¹ Charts of cruises and seals seen, 1891, Nos. 1 and 2. Portfolio of maps and charts appended to Counter Case of the United States.

² Chart of cruises, 1892. Portfolio of maps and charts appended to Counter Case of the United States.

Sealing chart, 1892. ber of seals seen, the locality where observed, and the date of the observations.¹ A comparison of this chart with the sealing chart submitted with the Case of the United States,² the charts giving the data from which the British Commissioners drew their inferences,³ and the chart showing the cruises of the American squadron in 1892,⁴ demonstrates conclusively the lack of evidence to sustain the Commissioners' assertion, and shows that the assumed distribution of seals in Bering Sea, exhibited by charts Nos. II, III, and IV of the Report, is unwarranted and misleading.⁵ It may also be noted that the Commissioners in chart II make it appear that the Commander and Robben Island seals intermingle; this is, however, specifically denied by Mr. Grebnitzki, the Russian official so often quoted in the Report.⁶

¹ Seal Chart, 1892. Portfolio of maps and charts appended to Counter Case of United States.

² Sealing chart. Portfolio of maps and charts appended to Case of the United States. No. 4.

³ Charts of cruises and seals seen 1891, Nos. 1 and 2. Portfolio of maps and charts appended to Counter Case of the United States.

⁴ Chart of cruises, 1892. Portfolio of maps and charts appended to Counter Case of United States.

⁵ See also Capt. Hooper's investigations in 1892 as to range of Pribilof seal herd in Bering Sea. Report September 6, 1892, *post* p. 216.

⁶ *Post* p. 363. Mr. Grebnitzki, the Russian military chief on the Commander Islands, is so often cited by the British Commissioners that the attention of the Arbitrators is particularly directed to his statements, hereto appended, *post* pp. 362-367.

2. *The alleged promiscuous nursing of pups by female seals.*

The United States deny that the statements made in the Report, in support of the assertion that a cow will nurse pups other than her own, are based on evidence sufficient to establish the facts alleged. Promiscuous nursing denied.

The two most prominent authorities relied on in the Report are Mr. Henry W. Elliott and Capt. Charles Bryant, the former being quoted over fifty times in the first one hundred and forty-five pages, and the latter forty times in the same space. Yet the opinions of these two observers are to the contrary on this point; and, while their opinions are taken without reservation on all points favorable to the conclusions of the Commissioners, they are, in respect to this question, characterized as a "theory" (Secs. 320, 322, 323) and "not proven" (Sec. 321).¹ Elliott and Bryant as authorities in the Report.

The Report attempts to disparage Mr. Elliott's opinion by quoting him to the effect that the female seems to possess no natural affection for her offspring (Sec. 322), but fails to state that Sir F. McCoy, F. R. S., also quoted in this connection (Sec. 324), publishes, in his article referred to in the Report, a letter from an in- Cow's affection for her young.

¹ See also N. A. Grebnitzki, *post* p. 366; Dampier's statement, Report, Sec. 848.

Cow's affection for her young.

formant, on whom he relies for his knowledge of seal habits, in which the following statement is made: "They [the cows] keep good watch and care affectionately for their offspring. * * * I have seen three pups washed off the rocks and the cows have immediately followed and brought them on the rocks again in an astonishingly rapid manner."¹ The attention of the Arbitrators is also called to the testimony presented on this point in the Appendix herewith submitted.²

Analogy with other animals.

The Report admits that "analogy with most other animals appears to favor this view" (Sec. 317), and that it "may hold in the case of the fur-seal" (Sec. 318), but insists that the observers have been misled by this analogy (Sec. 317) and by the circumstance that they have seen a cow refuse to take the first pup she meets and select another to be nursed (Sec. 323), adding that such selection may be the mere act of finding a pup which does not have the smell of fresh milk about it (Sec. 323). And it is further suggested that this selection may be made "perhaps by sound" (Sec. 323). Two authorities are particularly quoted in support of the position taken in the Report: "Sir Samuel Wilson, M. P., the

Authorities relied upon in the Report.

¹ Prodomus of the Zoölogy of Victoria, by Sir F. McCoy, F. R. S., decade VIII, p. 9.

² J. Stanley-Brown, p. 388; W. H. Williams, p. 398; C. H. Townsend, p. 393.

eminent Australian sheep-breeder," who says, Authorities relied upon in the Report. "it is common and easy to make ewes suckle other ewes' lambs," and then demonstrates how difficult it is to do so (Sec. 325); and Mr. C. H. Jackson, Government Agent in charge of the Seal and Guano Islands of Cape Colony, who asserts that "a cow will suckle any of the young seal, whether her own or not" (Sec. 324).

As to the statements of Sir Samuel Wilson, they are sufficiently in accord with the position taken in the Case of the United States on this question to demand no criticism here. Mr. C. H. Jackson a questionable authority. Mr. Jackson, on the other hand, makes a direct assertion on the subject which is opposed to the evidence contained in the Case of the United States and to the principal authorities of the British Commissioners. An examination of the report of this gentleman (pp. 154, 155) fails to reveal upon what knowledge he bases such a statement; and there is no proof that he has ever seen the seal islands of Cape Colony or even been informed by experienced individuals respecting the habits of the fur-seals found there. Under such circumstances the United States insist that his statement is unworthy of consideration as evidence.

The Report also alleges that "the same statement [as Mr. Jackson's] is made with respect to the fur-seal of the Australian coast" (Sec. 324), Sir F. McCoy as an authority.

Sir F. McCoy as referring in a footnote to the work of Sir F. an authority.

McCoy, already mentioned herein.¹ The following is the statement as it appears in the article referred to and is an extract from the letter of Mounted Constable Ardill, incorporated in full in said article and republished in the Appendix to this Counter Case:² "Should a cow die or be killed, her pup is suckled by the other cows. This I am told is the case, but I can't vouch for it." This last noted authority, which appears in the Report as Sir F. McCoy, proves to be a mounted constable, who makes the statement on a report so untrustworthy that he will not even vouch for its truth.

The United States, therefore, claim that the Commissioners have failed to advance a single authority whose opinion is of value to support their contention that a cow will suckle any pup except her own, and that the contrary position taken by the United States and sustained by ample evidence³ stands uncontroverted.

¹ *Ante*, p. 53.

² *Post* p. 292.

³ N. A. Grebnitski, *post* p. 366, and testimony submitted with the Case of the United States, Appendix, Vol. II, pp. 62, 104, 117, 375, etc.

3. *Period at which the female seals go into the water.*

The Report, without definitely stating that the female seals do not seek the water for from four to six weeks after the birth of their young, practically adopts the opinion of "Snegiloff" [Sniegeroff], the native foreman on the Russian Islands, as well as the statement once made by Capt. Bryant on this subject, and supports these opinions by reference to the Commissioners' own observations as to the relative number of cows and pups on the rookeries at different times in the season of 1891 (Sec. 306). The "very general belief among natives on the Pribilof and Commander Islands to the effect that the females do not leave the land to feed while engaged in suckling their young" (Sec. 307) can not be accepted as evidence in the absence of names of persons holding such belief; and the fact that two females killed in September in the presence of the Commissioners had no food in their stomachs (Sec. 307) may be dismissed without consideration, as at the time when these cows were killed the Commissioners admit that the majority of the cows were feeding (Sec. 306); and the number killed is too small to establish the assertion advanced in the Report.

The information also given by Her Majesty's Minister at Tokio—that "It is sometimes stated

Position taken
by the Report and
the authorities.

Position taken
by the Report and
the authorities.

that the breeding cows are in the habit of leaving the rookeries to fish for the support of their young, but the experienced authority on whose remarks these notes are founded is not of this opinion. He has never found food inside the female fur-seal taken on the breeding grounds." (Sec. 307)—must be rejected for the reason that the statement is based on no actual knowledge.

Capt. Bryant's
statements.

The reference, given in connection with Capt. Bryant's opinion, is to his report, made when he was special Treasury agent in November, 1869, and which is published in the Appendix herewith submitted, so far as the same relates to the Pribilof Islands.¹ The statement referred to in the Report is as follows: "The females go into the water to feed when the pups are some six weeks old, leaving them on the uplands."² In another portion of his report Capt. Bryant says: "About the middle of June the males have all arrived and the ground is fully occupied by them. Soon after this the females begin to come, in small numbers at first, increasing as the season grows late, until the middle of July."³ At another place he states: "About the middle of July the females go from the rookeries into the water."² It is, therefore,

¹ *Post* p. 275.

² *Post* p. 278.

³ *Post* p. 276.

evident that the period could not have been six weeks according to his own statements in 1869. Capt. Bryant's statements.

Ten years later, after eight years of experience on the Pribilof Islands, he states: "The females after giving birth to their young, temporarily repair to the water and are thus never on shore all at once."¹

He carefully omits to give any definite period between the birth of the pup and the excursions of the cow for food. This omission is of importance in this connection, as he prefaces his statement at this time with the following note to Dr. Allen: "You will understand that where any of my former statements are omitted or changed, it is due to correction made necessary by my longer experience."² It is evident, therefore, that Capt. Bryant had publicly discarded the opinion used by the Commissioners to maintain their position. One native of the Commander Islands is, therefore, the sole authority for the statement of the British Commissioners.

The one authority for the Report's position.

The United States deny the sufficiency of this evidence and offer the testimony of Mr. C. H. Townsend, of the United States Fish Commission, to sustain such denial and to prove to what extent

Testimony of C. H. Townsend.

¹Monograph of North American Pinnipeds, p. 386.

²Monograph of North American Pinnipeds, p. 382.

Testimony of C. H. Townsend. the nursing females had already extended their food excursions even in the last days of July.¹

The same witness states that on the 27th of July, 1892, large numbers of the females were away from the rookeries on St. Paul Island, and that four-fifths of the seals on the breeding grounds were pups.¹ It may be noticed in this connection that this was the same date at which the British Commissioners arrived on the Islands in 1891 (Sec. 759), when they state that "the rookeries were still at their fullest" (Sec. 3). Mr.

Testimony of J. Stanley-Brown.

Stanley-Brown, whose special study of seal life on the Islands in 1891 and 1892 has made his opinions of the utmost value, states that the females leave the rookeries within fourteen or seventeen days after the birth of their pups, and he shows by what observations he became convinced of the fact.²

4. *Aquatic coition.*

Affirmation of its possibility by the Report.

The Report states that "most writers," for certain reasons, have advanced "an erroneous statement" that the place where fecundation of the female seals occurs is on the land (Sec. 295). The Commissioners affirm, on the contrary, that it is not only possible for seals to copulate in the

¹ *Post* p. 393.

² *Post* p. 386.

water,¹ but that such act is of great frequency when the males are insufficient in number on the rookeries (Sec. 297). This allegation as to the possibility of pelagic coition is stated in the Report to be established by "ample proof" (Sec. 246).

An examination of this "ample proof" shows that it consists of the following: The opinion of Capt. Bryant, contained in his report to the Treasury Department in 1869 (which, as has been shown, is entirely superseded by his paper in the "Monograph of North American Pinnipeds"), and two statements made by him in the latter work (Sec. 295), the references being to pages 385 and 405 (footnote, p. 52), both of which clearly allege the possibility of coition in the water. Besides these statements of Capt. Bryant, the Report quotes Mr. W. H. Dall, who made a statement to Prof. Allen that the female seal receives the male in the water (Sec. 296, p. 53). The remainder of the "ample proof" consists of "special inquiries" made by the Commissioners, which "have fully confirmed Bryant's original statements, the evidence obtained including that of four or five gentlemen who have had long experience with the Pribilof and Com-

Affirmation of its possibility by the Report.

The evidence in favor of aquatic coition.

¹ Mr. Grebnitzki, an authority recognized by the Report, declares that he believes copulation in the water to be impossible, *Post* p. 364.

The evidence in
favor of aquatic
coition.

mander Islands, and several intelligent and observant hunters who have been engaged in sealing at sea" (Sec. 296). The latter generalization of information, in which neither the names of the "four or five gentlemen" nor those of "the intelligent and observant hunters" are given, can not be considered in the light of proof to substantiate the position of the Report on this question.

It is a significant fact in connection with the proofs advanced by the Commissioners that, notwithstanding the observations made by these officials on and about the Pribilof and Commander Islands, they fail to have seen, or at least to record, a single instance in which the act of coition took place in the water, although it would seem that instances must have been frequent in the waters about their vessel, if their statements as to the scarcity of the adult males on the Islands are to be accepted.

Capt. Bryant as
an authority.

As to the opinion of Capt. Bryant, relied upon by the Commissioners, the attention of the Arbitrators is directed to his deposition submitted with the Case of the United States.¹ The other

W. H. Dall as an
authority.

authority cited in the Report, namely, Mr. W. H. Dall, gives the following testimony in relation to pelagic coition, after saying that his statements

¹ Appendix to Case of the United States, Vol. II, p. 6.

“as to copulation in the water rest largely upon ^{W. H. Dall as an authority.} assumption,” and after reciting his observations as to seals seen playing in the water: “I have never had an opportunity to assure myself that the pairs of seals seen playing in the water were of opposite sexes, or, if they were, that their play was of a sexual nature, or, if it was, that the act was complete or effective.”¹

In view of the facts stated and of the quantity ^{Insufficiency of the evidence advanced in the Report.} of testimony on this point published with their Case,² the United States submit that there is no proof, “ample” or otherwise, to support the assertion that coition takes place in the water. (Sec. 246, p. 43.)

The United States further claim that the position taken in the Report on the question of when the female seals leave the rookeries after the birth of their young (*ante*, p. 57) is entirely inconsistent with the proposition maintained by the Commissioners “that the time of impregnation of the female is not necessarily comprised within the period during which she seeks the shore for the purpose of giving birth to her young” (Sec. 297), and the statement made in the Report that the breeding females remain for several weeks on shore after bearing their young (Sec. 30). As the period of ^{Inconsistencies of the Report.}

¹ *Post* p. 359.

² Appendix to Case of the United States, Vol. II, pp. 14, 42, 165, etc.

Inconsistencies of the report. gestation is stated by the Commissioners to be about twelve months (Sec. 434), coition in the water would necessarily be four or even six weeks (Sec. 306) later than the arrival of cows at the Islands, which would necessitate the arrival of the cows by as many weeks later the following year, since they give birth to their young immediately upon landing (Sec. 30).

Late arrival of the cows at the Islands. If the frequency of pelagic coition be as great as alleged in the Report, the date of the arrival of the cows would be growing continually later and would be now much later than in former years. No proof is offered in the Report on this important point. In opposition thereto the United States Commissioners have appended to their report a table showing the arrival of the various classes of seals on the Islands,¹ and the United States herewith submit on the same question the further evidence of Maj. W. H. Williams, Special Treasury Agent in charge of the Pribilof Islands, who states that 95 per cent of the cows had given birth to their young by July 12, 1891, showing the arrivals must have been at the usual time,² and of Mr. Stanley-Brown, who arrived on the Islands on the 9th of June, 1892, and who states that some cows had arrived previous to that date.³

¹ Case of the United States, p. 386.

² *Post* p. 397.

³ *Post* p. 386.

MANAGEMENT OF THE PRIBILOF ISLANDS AS THE ALLEGED CAUSE OF THE DECREASE OF THE ALASKAN SEAL HERD.

The British Commissioners at several places in their Report admit that the regulations in force and the methods employed in taking seals on the Pribilof Islands are the best that could have been adopted, having been founded on the long experience of the Russian Government after nearly a century of occupation (see Secs. 659, 676). The Report further states that "from a transcendental point of view the methods proposed were appropriate, and even perfect, but in practical execution, and as judged by the results of a series of years, they proved to be faulty and injurious" (Sec. 662). It is, therefore, not the methods, but the manner of their execution, which is the subject of criticism by the Commissioners. Other than this general charge of faulty execution, the one variation from the Russian methods made by the United States which is disapproved of in the Report is the number of seals allowed to be taken (Sec. 659).

The methods admitted to be almost perfect.

Excessive killing alleged.

In establishing their assertion that the number of seals annually killed on the Islands was excessive, it is insisted by the United States that the Commissioners should be confined to the first decade of the lease of the Pribilof Islands to the Alaska Commercial Company (1871-1880), be-

Proof must be limited to period 1870-1880.

Proof must be cause pelagic sealing was then too insignificant
 limited to period
 1870-1880.

to perceptibly affect seal life, and that any consideration of the management subsequent to the introduction of pelagic sealing, which is admitted to be a factor "tending towards decrease" (Sec. 60), is irrelevant to the question at issue, unless it can be shown that there was a sufficient increase in the number of seals killed on the Islands, or sufficient changes in the methods employed in taking the quota, to materially affect and deplete the seal herd, even without the introduction of pelagic sealing.

Admission as to
 period after de-
 cided decrease.

The United States admit that, after a decided decrease in the birth rate of the seal herd has been caused by pelagic sealing, the number allowed by the lease to be killed was more than the reduced herd could properly endure; but they assert that any evil effects resulting from the management on the Islands is directly chargeable to the conditions established by pelagic sealing.

It was not until the year 1889 that the decrease in the birth rate of the seal herd (which decrease had been augmented annually by an ever increasing fleet of pelagic sealers) became sufficiently evident among the young male portion of the herd to seriously attract the notice of and to alarm the Government agents on the Islands.¹

¹ Case of the United States, p. 184.

In that year for the first time the weight of skins fell below the average of former years.¹ The report of the official in charge of the Islands resulted in an immediate reduction of the quota allowed by the Treasury Department at Washington, and in a curtailment of the time allowed within which to take such quota.² Notwithstanding the endeavors of the United States to meet the new conditions created by pelagic sealing with restrictions upon slaughter, which were made still more rigid in 1891, the herd continued to become more and more depleted, and in 1892 a decrease appears over 1891, though the consensus of opinion of those on the Islands is that in the last year the male seals have increased to a limited extent.³

The United States, however, insist that the failure, if any, to take into account the "new factor" (viz, pelagic sealing) is wholly irrelevant to the true issue, and they have presented testimony in relation to the management on the Islands for the purpose of showing, and which shows, that such management could not, under normal conditions, have caused a decrease in the Pribilof seal herd.

¹ Max Heilbronner, *post* p. 369 and table facing.

Case of the United States, p. 153.

³ J. Stanley-Brown, *post* p. 385.

Failure of Re-
port to show
change of man-
agement after
1880.

The Report fails to establish a single instance where the management on the Islands or the methods employed thereon have been changed since 1880 from the "appropriate and even perfect" system adopted in 1870, or where the number of seals killed annually has been increased beyond the annual quota of the first ten years of the lease.

Reservation as
to charges of
fraud.

The Government of the United States reserves to another portion of this Counter Case the repeated and, as it conceives, very unjustifiable insinuations of the Commissioners of the malfeasance by United States officers, of fraudulent practices of the Alaska Commercial Company when lessees, and of collusion, necessarily implied, by the London firm of C. M. Lampson & Company; only stating here, that all such evident attempts to mislead the Tribunal of Arbitration and to obscure the true issue are unfounded in fact and unsupported by proof or evidence of any sort.

All reference, therefore, to the management of the Pribilof Islands subsequent to the introduction of pelagic sealing, when it became a factor in the decrease of the seal herd, the United States repeat, is irrelevant to the true issue—the cause of the present depleted condition of the Pribilof rookeries.

The alleged excessive killing of male seals must rest entirely on the proposition, which the Foundation of charge of excessive killing. Report endeavors to establish, that, by means of this license to slaughter 100,000 young males on the Islands, the breeding males have become so depleted as to be unable to fertilize the females, thus creating a decrease in the birth rate sufficient to account for the present condition of the Alaskan seal herd. To establish this, the Commissioners refer, among other things, to the report to the Treasury Department in 1875 of Captain Charles Bryant. This official did, as Captain Bryant as a witness for the Commissioners. stated in the Report (Sec. 678), advise the Secretary of the Treasury, in view of his observations, to reduce the number of the quota to 85,000 skins; but the true reason of this recommendation is obscured in the Report by a collection of quotations from various writings, of which he is the author, and by placing an erroneous interpretation on his language.

The reasons for his report of 1875 are clearly Reasons for his report. shown by an examination of his testimony before a committee of the House of Representatives in 1876. Captain Bryant there makes the following statement: "In the season of 1868, before the prohibitory law was passed and enforced, numerous parties sealed on the Islands at will and took about two hundred and fifty thousand seals.

Reasons for his report. They killed mostly all the product of 1866-'67.

In making our calculations for breeding seals we did not take that loss into consideration, so that in 1872-'73, when the crop of 1866-'67 would have matured, we were a little short. These seals had been killed. For that reason, to render the matter doubly sure, I recommended to the Secretary a diminution of 15,000 seals for the ten years ensuing. I do not, however, wish to be understood as saying that the seals are all decreasing—that the proportionate number of male seals of the proper age to take is decreasing.

“Q. The females are increasing?”

“A. Yes, sir; and consequently the number of pups produced annually.”¹

In 1872 the seals taken were principally four and six years old and some of seven years old were killed (Sec. 812). This was drawing from the same class of seals killed in 1868,² which would, had they been spared, have appeared on the rookeries as breeders in 1873 and the years thereafter.

The following year (1873) the class of skins preferred were “three-year-olds” (Sec. 813), or those born in 1870; the so-called “crops” of 1869 and 1870 would not have been fit to go on

¹ Ho. Rep., 44th Cong., 1st Sess., Rept. No. 623, p. 99.

² Appendix to Case of the United States, Vol. II, p. 7.

the breeding grounds till 1875 or 1876, which ^{Reasons for his report.} would correspond with Captain Bryant's statement that the decrease in male life ceased in 1876 and breeding male seals began to increase to such an extent in 1877 that he affirmed that in two years (1879) the loss would be made good (Sec. 679). This is further and fully explained by the same witness in his deposition appended to the Case of the United States.¹

The evidence presented in the Report, which ^{Divisions of evidence.} treats of the period from 1870 to 1880, consists (1) of statements to the effect that 100,000 or more skins could not be taken on the Islands without depleting the herd, and (2) of other statements or conclusions to the effect that the male seals, both breeding and nonbreeding, had decreased during the first decade of the lease of 1870.

As to the first statements mentioned, it is in- ^{Irrelevancy of the first division.} sisted by the United States that it is entirely irrelevant how many seals were taken on the Islands annually, unless it can be shown that the number killed resulted in a diminution of the normal number of the seal herd, or at least the male portion of it. The so-called proof, however, on this point which the Report presents as ^{Unfairness of statements as to Russian period.} to the Russian period of occupation is so mani-

¹ Appendix to the Case of the United States, Vol. II, p. 7.

Unfairness as to statements as to Russian period. festly unfair that attention should be directed to its misleading character. The Commissioners state that from 1787 to 1806 the number of skins taken was 50,000 annually; from 1807 to 1816, 47,500; and from 1817 to 1866, 25,000. The desire is to suggest the inference that the killing of 50,000 was excessive, the Report giving as a secondary reason for the evident decrease the "nearly promiscuous slaughter (for the first part of this period) of seals of both sexes and all ages." (Sec. 40.)

The United States contend that the "nearly promiscuous slaughter," mentioned as a secondary cause, was the principal cause, and that the expression "for the first part of this period" is intentionally indefinite, though it appears from the Report that the killing of females was not prohibited until 1847 (Sec. 37, p. 8). The Report states that in 1836 an exceptionally severe winter caused a great mortality among the seals, so that only 4,100 of all classes were observed on the rookeries (Sec. 800), which reduced the birth rate for a number of years and necessarily, also, the annual number of skins secured. The inclusion of this time of scarcity in all classes of seals in the period of 1834 to 1866 is most misleading as to the question of how many male seals can be taken when the rookeries are in their normal

condition. An examination of the Russian documents herewith submitted shows that from 1860 to 1865, inclusive (when it may be assumed the rookeries had recovered from the mortality of 1836 and the slaughter of female seals prior to 1847), the annual quota ranged from 45,000 to 70,000 on St. Paul Island alone, and that the only reason why more were not taken was the plethoric condition of the Chinese, Russian, and American markets.¹

The numbers killed from 1860-1865.

The other class of statements or conclusions advanced, to show that the breeding and non-breeding seals decreased during the ten years following the leasing of the Pribilof Islands in 1870, may be divided into three heads, namely, (1) an alleged increased proportion of females to breeding males, (2) an alleged recognition by the lessees of the decrease of male seals, and (3) alleged overdriving and resort to new areas to obtain the quota. The first allegation is based entirely on comparisons between the early years of the lease of 1870 and the last two or three years of the same (1889-1891). The United States insist that such comparisons are irrelevant, for, even if the breeding males were disproportionately few during the latter years, it

Second division of evidence.

Comparisons of harems 1870 and 1890 irrelevant.

¹ *Post* pp. 193-199. Bancroft's Alaska, p. 532: "In 1851, 30,000 could be killed annually at St. Paul Island alone, and in 1861 as many as 70,000, without fear of exhausting the supply."

Comparisons of harems 1870 and 1890 irrelevant. is the result of a decreased birth rate caused by pelagic sealing. The United States, however, deny that harems have increased "from four to eight times" over their size in 1870-1874. (Sec. 54.)

The curtailment of H. W. Elliott's statement.

Mr. Henry W. Elliott, who is relied on as an authority in this matter by the Commissioners to show that the harems averaged from 5 to 20 cows in 1874 (Sec. 293), states, in the same passage from which the quotation used in the Report has been extracted, that there are "many instances where 45 or 50 females are under the charge of one male," and he closes his sentence by stating that the average given is not entirely satisfactory to himself.¹ This curtailment of Mr. Elliott's statement is in flagrant violation of the Commissioners' Letter of Instructions, in which Lord Salisbury says: "I need scarcely remind you that your investigation should be carried on with strict impartiality" (p. 2).

Harems in 1891. The Report fails to give any testimony to show how many females constituted a harem in 1891, and makes the statement, wholly unsubstantiated by proof, that the harems have increased in size "from four to eight fold." (Sec. 54.)

Surplus of virile males.

The present surplus of virile males has been fully treated of in the Case of the United States,²

¹ United States Census Report, 1880, p. 36.

² Case of the United States, p. 172.

and a photograph taken by Mr. Stanley-Brown in 1892, at the height of the breeding season, shows a number of vigorous bulls located on the breeding grounds unable to obtain consorts.¹ On July 19, 1892, Professor B. W. Evermann, of the United States Fish Commission, a well-known authority on subjects of natural history, counted the number of bulls, cows, and pups on a section of Lukannon Rookery, St. Paul Island, and the result was as follows: 13 bulls, 90 cows, and 211 pups.² If each cow in a harem was represented by a pup, the average number to a bull would be 15, certainly not an excessive number even according to the Report.

Surplus of virile males.

Size of harems in 1892.

The Commissioners also rely on a newspaper extract, which purports to be a summary of a report made by Mr. Henry W. Elliott in 1890 to the Secretary of the Treasury, to establish several alleged facts (Sec. 832). One of these statements in this alleged summary (Sec. 433) is that there were 250,000 barren females on the Pribilof Islands in 1890 (Sec. 832, p. 40). This is cited by the Commissioners to show the lack of virile males on the rookeries in that year. An examination of the extract as published in volume

Alleged summary of a report by H. W. Elliott in 1890.

¹ J. Stanley-Brown, *post* p. 386.

² B. W. Evermann, *post* p. 264.

Alleged summary of a report by H. W. Elliott in 1890.

III of the Appendix to the Case of Great Britain (Parliamentary Paper C—6368, No. 2, 1891, p. 60) discloses the fact that this statement appears after the signature of Henry W. Elliott, and it can not, therefore, be construed as a portion of such report. Furthermore, how the Commissioners can question Mr. Elliott's power to compute the number of seals on the Islands, as they have done, and still rely at all on his computation as to the number of barren females needs explanation.

Alleged recognition of decrease by lessees.

The second mode by which they endeavor to show a decrease in the seal herd prior to 1880 is by pointing to an alleged recognition thereof on the part of the lessees in the reduction made by them of their catch in 1875, and to an alleged lowering of the standard of weights of skins. The Report proceeds as follows: "In the same year [1875] the number of skins obtained was considerably reduced in the face of a steady market and before the decline in prices of the two succeeding years" (Sec. 44). This statement is clearly incorrect, as is shown by the references cited.¹ Another allegation as erroneous as the foregoing is contained in the state-

¹ British Comrs. Rept., p. 132. Appendix to Case of the United States, Vol. II, pp. 558, 585. Table of seals taken on Pribilof Islands for all purposes, *post* p. 427.

ment of the Report that the standard of skins was lowered from time to time, implying an increasing scarcity of males (Sec. 694). In 1876 the average weight of all the skins of the Alaska catch was 8 pounds, which remained about the average till 1886, the average weight being in that year $10\frac{9}{10}$ pounds; from that time, coincidentally with the increase of pelagic sealing, the weight dropped to $9\frac{2}{3}$ pounds in 1886, $8\frac{3}{5}$ pounds in 1887, $8\frac{1}{2}$ pounds in 1888, and finally in 1889 to $7\frac{85}{100}$ pounds, the lowest standard ever reached.¹ The United States, therefore, deny the statements made in the Report as to the reduction of the "standard of weights" (page 119, C).

Average weights
of Alaskan catch,
1876-1889.

The Commissioners also rely upon a statement alleged to have been made to them by Mr. Daniel Webster that, in 1874 and 1875, from 35,000 to 36,000 skins were taken from Northeast Point rookery and that, since 1879, from 29,000 to 18,000 skins only had been taken there, thus implying a large decrease in the seals resorting to this great rookery (Sec. 677). The annual killings on Northeast Point are combined in a table submitted herewith,² which gives the numbers annually taken thereon and the percent-

The number of
seals taken from
Northeast Point.

¹ Max Heilbronner, *post* p. 369 and table facing.

² Table of seals killed on Northeast Point, *post* p. 427.

The number of seals taken from Northeast Point. age to the whole number killed on St. Paul Island. From this table it appears that in 1873 26,369 seals were taken, being 34.9 per cent of the whole number; in 1874, 34,526, or 37.5 per cent; in 1875, 35,113, or 39 per cent; in 1888, 33,381, or 39.7 per cent; and in 1889, 28,794, or 33.9 per cent. The average percentage for the nineteen years during which the lease may be said to have been in operation (some 3,400 only having been taken the first year under the same) is 31.4. The Commissioners give the number taken in 1889 as 15,076, claiming the same to be from official records, but the citation given is to a report to the House of Representatives printed in 1876 (Sec. 677). Evidently this is a clerical error, but it deprives the United States of the opportunity to examine the authority intended to be cited.

Alleged resort to reserved areas in 1879.

The question of driving in 1879 from areas, before reserved and untouched, is used in the Report to show that the male seals had decreased to such an extent as to compel the resort to these hauling grounds. The Commissioners refer to this in the following words: "Whatever may have been the detailed history of the seal interests on St. Paul in the intervening years, the fact that in 1879 it became necessary for the first time to extend the area of driving, so as to in-

clude Zapadnie and Polavina rookeries, or the hauling grounds adjacent to them, shows conclusively that a great change for the worse had already occurred at that date" (Sec. 684).

Alleged resort to reserved areas in 1879.

This statement is not in accord with the facts. Prior to 1879 Polavina had been driven from every year but two, and Zapadnie had supplied its portion to the quota of skins every year of the lease prior to 1879, as is shown in the table cited.¹ The United States, therefore, insist that this statement in the Report should not be considered, in examining the question as to the cause of the decrease of the seal herd. The question of overdriving and redriving has already been fully treated of in the Case of the United States;² it may be noted, however, that Mr. Elliott is quoted as stating that overdriving was first begun in 1879 (Sec 714), which is the year mentioned in the erroneous statements, above referred to, as to the commencement of driving from Polavina and Zapadnie.

No hauling grounds ever reserved.

Overdriving and redriving subsequent to 1880 irrelevant.

It is insisted by the United States that driving and redriving after the introduction of pelagic sealing, if any occurred, are directly chargeable to the condition created by open-sea hunting.

The United States, therefore, deny that any valid evidence has been advanced by the Com-

Denial of decrease prior to 1880.

¹ Appendix to Case of the United States, Vol. II, pp. 117-127.

² Case of the United States, p. 158.

Denial of decrease prior to 1880. — missioners sufficient to establish that any portion of the seal herd decreased prior to 1880, or that there was a paucity of male life during that period on the breeding grounds, or that the management and methods in force on the Pribilof Islands have been a cause of decrease in the Alaskan seal herd.

PELAGIC SEALING.

The Report an apology for pelagic sealing. — That portion of the Report of the British Commissioners which considers the effects of pelagic sealing upon the Alaskan herd is in the nature of an apology and an attempted justification, for the Commissioners specifically admit that pelagic sealing is indiscriminate (Sec. 633) and tends towards decrease (Secs. 60, 71). The apology rests upon three propositions which they endeavor to establish by evidence principally obtained from interested parties at Victoria and which are herein treated in the order of their importance as recognized in the Report.

1. *That the percentage of female seals in the pelagic catch is not large.*

The Indian evidence submitted. — The Report first cites in this connection so-called "evidence," alleged to have been obtained from Indian hunters at various points along the Northwest Coast (Secs. 635-641), and in which there is a careful avoidance of names of inform-

ants. It is insisted by the United States that such testimony is valueless for the purpose of establishing any conclusion worthy to be relied upon in this controversy. The Indian evidence submitted.

The second class of testimony presented to sustain the position of the Report is obtained from sworn statements of Canadian sealers, which the Commissioners admit are not "entirely untinctured by motives of personal interest" (Sec. 634). Testimony of interested parties submitted. These alleged statements of Indians, whose names are not made known, and of other witnesses, admitted to be subject to suspicion; are the sole foundation, so far as matters of fact are concerned, for the defense by the British Commissioners of pelagic sealing.

The largest percentage of females admitted by these "most experienced and intelligent pelagic sealers" (Sec. 642) to have been taken by them along the Northwest Coast is fifty out of one hundred seals, and but three men make this admission (Secs. 644, 645, 646). The other witnesses quoted (fifteen in number) vary considerably in their opinions as to the number of females taken in a catch, the percentage alleged ranging from two and a half to over forty, the majority giving it as from twenty to thirty (Secs. 644, 645, 646). It is difficult to understand how these statements can be harmonized with the de- Percentage of females admitted to be taken. Statements consistent with the Report.

Statements in-
consistent with
the Report.

pleted condition of the male life of the Pribilof seal herd, so often alleged in the Report, and with the statement that "the persistent killing of young males has led of late years to the existence of a very large surplus of females, and that, therefore, the proportion of females to the whole numbers of seals, whether at sea or ashore, is, at the present time, according to the information obtained by us, quite abnormal" (Sec. 635). As this information last referred to has evidently not been published by the Commissioners in connection with their discussion of pelagic sealing, unless it is embodied in the statements obtained at "a conference held with a number of representative pelagic sealers" (Sec. 648), at which conference "no degree of reticence was shown in answering direct questions on all points involved" (Sec. 648), it is impossible to draw any conclusions therefrom, except that this information is in direct contradiction to the testimony of the witnesses named in the Report.

The statements
in the Report de-
nied.

In view of the admitted untrustworthiness of the evidence advanced, and in view of the conclusive proof presented in the Case of the United States on this question, the United States deny that the percentage of females in the pelagic catch has been exaggerated in their Case, and present herewith as corroborative evidence on

this subject the report of Capt. C. L. Hooper, Capt. Hooper's investigations, summer of 1892. U. S. R. M., who cruised in Bering Sea during the summer of 1892 and under the direction of the Government of the United States made a series of systematic observations as to the distribution and classes of seals found in those waters, for which purpose he took a limited number of seals at sea.¹ The result of his observations and experiments was that, of 41 seals shot and secured, 29 were females. Mr. Malowanski, the agent of Catches of vessels seized by Russia, 1892, 90 per cent females. the Russian Sealskin Company on the Commander Islands, examined about 2,700 skins taken from sealing schooners, seized in the neighborhood of those islands by the Russian authorities during the summer of 1892, and found that over 90 per cent were the skins of female seals.²

This is also verified by Mr. Grebnitzki,³ the Russian official in charge of the Commander Islands, and by an examination of over 1,000 of the same skins specially made in London.⁴ The Examination of pelagic catches, 1892. depositions of the expert furrier Mr. Behlow, who has examined the catches of a number of sealing schooners entered at the port of San Francisco during the summer and fall of 1892,

¹ Report of Capt. C. L. Hooper, *post* table facing p. 219.

² John Malowanski, *post* p. 374.

³ N. A. Grebnitzki, *post* p. 366.

⁴ Statement by C. W. Martin & Sons, *post* p. 417.

Examination of pelagic catches 1892. confirm the fact that a very large proportion of the pelagic catches consist of female seals.¹

Proportion of females taken at sea prior to 1870. This large ratio of females taken at sea does not differ from that observed before the Pribilof Islands were leased. In the official report on the seal question made by a special agent of the United States on November 30, 1869, the following appears: "Nearly all the 5,000 seals annually caught on the British Columbian coast are pregnant females * * *,"² and Capt. Bryant, in 1870, also states that "formerly in March and April the natives of Puget Sound took large numbers of pregnant females."³

2. That pelagic sealing in Bering Sea is not as destructive to seal life as pelagic sealing in the North Pacific.

There is an evident attempt on the part of the British Commissioners to establish that the principal harm to the seal herd resulting from pelagic sealing is inflicted during the herd's migration in the Pacific Ocean. This is based, primarily, on the assumption that no gravid females are taken in Bering Sea (Sec. 648), and that the alleged occasional deaths of "a few

Grounds for the Report's statements.

¹ C. J. Behlow, *post* pp. 353-358.

² Ex. Doc. No. 32, 41st Cong., 2d Sess., p. 39.

³ Bull. 2, Mus. Comp. Zoölogy, p. 88.

females in milk" (Sec. 649) does not destroy the offspring of such females (Secs. 355, 356). Grounds for the Report's statements.

It will be seen, on an examination of the statements of the pelagic sealers quoted in the Report (Secs. 645, 646), that but eight refer to the number of females taken in Bering Sea, and these give percentages which are practically the same as those given for the catch in the North Pacific.

It is, therefore, conceded that the destruction of female life in Bering Sea is as great as along the Northwest Coast.

The distinction is made, however, that no gravid females are taken in Bering Sea. Pregnant females.

It must be recollected, in this connection, that the admitted period of gestation of the fur-seal is "nearly twelve months" (Sec. 434), and that, therefore, an adult female which has been fertilized is pregnant at all times when found in the water, and certainly so if the fact alleged in the Report, that the female remains on the rookeries from four to six weeks after giving birth to her young, could be established (Secs. 306, 307).

The designed implication that very few nursing female seals are taken by pelagic sealers (Sec. 649) is based on pure assumption, no evidence Nursing females.

being advanced to support it. Capt. Hooper's investigations, 1892.

Capt. Hooper, already referred to, states that of 29 female seals taken by him in 1892 in Bering Sea, 22 were

Examination of
seals by C. H.
Townsend, 1892.

nursing females;¹ and Mr. C. H. Townsend, of the U. S. Fish Commission, the well-known naturalist who accompanied him, includes in his deposition a photograph of two half-skinned cows taken August 2, 1892, 175 miles from the Pribilof Islands,² exhibiting the distended mammary glands, "which in all cases were filled with milk."²

That the pups of these nursing cows are dependent solely upon their mothers for nourishment has already been discussed both in the Case of the United States and in this Counter Case.³

Dead pups on
the rookeries.

The Commissioners, to support their position, endeavor to explain away the obvious inference derivable from the fact that a large number of dead pup-seals were observed by them on the Pribilof rookeries during their cursory examination of seal life on the Islands. It is evident, from the efforts made and theories advanced to explain this mortality, that the Commissioners considered the presence of these bodies *prima facie* evidence of the fact they endeavor to disprove (Secs. 344-356). These officials have, through some strange circumstance, been led into the belief that they were the first to

¹ Capt. Hooper's report, *post* table facing p. 219.

² C. H. Townsend, *post* p. 394.

³ *Ante* p. 53.

observe this mortality among the pups on the rookeries (Sec 83), from which belief they draw the inference that "the death of so many young seals on the Islands in 1891 was wholly exceptional and unprecedented" (Sec. 355). The depositions, however, of many witnesses appended to the Case of the United States show not only that dead pups had been observed on the rookeries as early as 1885, but that the numbers had after that year annually increased.¹ Mr. J. Stanley-Brown testifies that he had already seen and noted the dead bodies before the Commissioners arrived at the Islands in 1891, and that the cause of death had been fully discussed by those on the Islands.²

Dead pups on
the rookeries.

The same opinion as to the cause of this mortality, which "in no instance was * * * at first voluntarily advanced" (Sec. 83) to the Commissioners, namely, "the killing of the mother at sea" (Sec. 83), existed for several years before the British officials examined the Pribilof rookeries.³ It is unfortunate for the position taken by the Commissioners, to the effect that the mortality was unusual and that the cause assigned

Cause of death.

¹ Appendix to Case of the United States, Vol. II, pp. 32, 39, 51, 71, etc.

² Appendix to Case of the United States, Vol. II, p. 19.

³ Appendix to Case of United States, Vol. II, pp. 32, 39, 51, 71, etc.

Cause of death. by those on the Islands a day or two after the investigations by these officials was a novel suggestion, that, notwithstanding the "care" asserted by them to have been taken to complete their personal knowledge of all documentary evidence obtainable, "including the previous official correspondence" (Sec. 8), they should have overlooked a note from Mr. Blaine to Sir J. Pauncefote, dated March 1, 1890 (Parliamentary Paper [C, 6131], 1890, p. 424), in which were inclosed extracts from an official report made to the House of Representatives in 1889, which document is so often quoted in the British Report. Among these extracts appears the following statement made by Dr. H. H. McIntyre *ibid* (p. 430):

Mr. Blaine's
note of March 1,
1890.

"The marauding [pelagic sealing] was extensively carried on in 1885 and 1886, and in previous years, and of course the pups that would have been born from cows that were killed in 1885, or that perished through the loss of their mothers during that year, would have come upon the islands in 1888. * * * I would say, further, that if the cows are killed late in the season, say in August, after the pups are born, the latter are left upon the island deprived of the mother's care *and, of course, perish*. The effect is the same whether the cows are killed before or after the pups are dropped. The young perish in either

case" (*ibid.*, p. 430). At another place, quoting from the testimony of Jacob H. Moulton, the following appears: "Q. When a female is nursing her young and goes out for food and is killed or wounded, that results also in the death of her young?—A. Yes, sir" (*ibid.*, p. 432).

This explanation of the cause of the death of pup-seals is not recognized by the Report, except to contradict it. In place of it four specific causes are advanced, "to which the mortality noted may be attributed with greatest probability" (Sec. 356): First, the killing of the mothers by taking them in "drives" from the borders of the breeding grounds; second, an epidemic disease; third, crushing of the pups in stampedes; and, fourth, raids on the rookeries (Sec. 356, a, b, c, d).

The first cause alleged, namely, the driving and killing of the mothers, is unsupported by any proof whatsoever, and will not account for the deaths on Tolstoi Rookery, where the greatest number of bodies were seen by the Commissioners (Sec. 350), because no "drive" was had in 1891 within a quarter of a mile of that rookery.¹

The second cause alleged, an epidemic disease, is mere hypothesis, and has already been treated in the Case of the United States.²

Mr. Blaine's
note of March 1,
1890.

Causes of death
alleged in the Re-
port.

1. Driving and
killing of the
mothers discussed.

2. An epidemic.

¹ J. Stanley-Brown, *post* p. 388; W. H. Williams, *post* p. 399.

² Case of the United States, p. 216.

3. Pups crushed
in stampedes.

The third alleged cause, the crushing of the pups in stampedes, has no evidence to support it. The only instance of even a supposed stampede on any breeding grounds is mentioned in the Report in the following words: "During the summer of 1891 a panic was caused on the Reef Rookery of St. Paul Island by the drifting over it of the smoke from a steamer which was entering the anchorage there" (Sec. 332). The Commissioners do not specify the information upon which this statement is made, and Mr. J. Stanley-Brown testifies that no one saw such an alleged stampede.¹ The difficulty and practical impossibility to cause a stampede or create a panic on a breeding ground are clearly shown by Dr. H. H. McIntyre,² Mr. J. Stanley-Brown,¹ and others conversant with seal life.³ If a stampede ever did take place among the breeding seals, no evidence has been advanced to prove it.

4. Possible raids
as a cause dis-
cussed.

The fourth and last cause, which is stated to be "within the bounds of probability" (Sec. 356, p. 64), is that the female seals were killed by raiders, or by a stampede resulting from a raid. The Report offers no evidence whatever of such

¹ *Post* p. 388.

² *Post* p. 371.

³ W. H. Williams, *post* p. 398.

a supposed raid, and even alleges that it must have been unknown to those on the Islands (Sec. 355, p. 64), and the further fact that numbers of dead pup-seals were observed by the Commissioners on rookeries miles apart necessitates the assumption that there were several distinct raids, of which no traces could be found. At this time, also, when so many dead pups were found, the waters about the rookeries were patrolled by American and British war ships.¹ On what this assumed cause of death is based, it is, therefore, difficult to comprehend.

All the bodies of pups examined by Dr. Ackerly ("Acland," in the Report, Sec. 352) and by Dr. Gunther (Sec. 354) were without food in the stomachs, and the testimony presented in the Case of the United States² shows that these bodies were all very much emaciated. It seems an extraordinary circumstance that all the young seals destroyed by stampedes, epidemics, or raids, if any of these were the cause, should have been starvelings.

The reports from the Islands show an enormous falling off in the number of dead pups on the rookeries in 1892 as compared with 1891. Those who visited the Islands in 1892 make the

4. Possible raids as a cause discussed.

All the bodies emaciated.

Great decrease of dead pups in 1892.

¹ Charts of cruises, 1891, Nos. 1, 2, and 3.

² Case of the United States, p. 213.

Great decrease
of dead pups in
1892.

following statements. Mr. Stanley-Brown, who was also on the Islands in 1891, says: "Dead pups were as conspicuous by their infrequency in 1892 as by their numerousness in 1891."¹ Col. Joseph Murray, who has been Assistant Treasury Agent on the Pribilof Islands from 1889 to the present time, states: "I went over the rookeries carefully in 1892 looking for dead pups. The largest number on any rookery occurred on Tolstoi; but here, as on the rookeries generally, but few of them were to be seen, as compared with last year. This was the first time in my four seasons' residence on the Islands that the number of dead pups was not greater than could be accounted for by natural causes."² And Mr. A. W. Lavender, the Government agent in charge of St. George Island, made an actual count of the dead pups on the rookeries of that Island August 29, 1892. He found on the five rookeries 41 dead pups, "all of which were near the water."³ Professor Evermann, the expert naturalist of the Fish Commission, estimates the number of dead pups on Polavina Rookery in 1892 at less than 250, and states that there were more dead pups here than on all the other rookeries combined.⁴

¹ J. Stanley-Brown, *post* p. 388.

² Joseph Murray, *post* p. 378.

³ A. W. Lavender, *post* p. 263.

⁴ B. W. Evermann, *post* p. 271.

In consequence of the zealous and efficient efforts of the naval vessels charged with the protection of the seal herd and the enforcement of the *Modus Vivendi*, few sealing vessels entered the eastern half of Bering Sea in 1892, and those waters were practically free from open-sea hunters. If the cause of the mortality of 1891 among the pups was any of those advanced by the Report, it is a remarkable and, for the opinion of the Commissioners, an unfortunate circumstance that with the decrease of sealing in Bering Sea dead pup-seals have decreased likewise. On the other hand, the increase of sealing in Asiatic waters about the Commander Islands has been followed by a large increase of deaths among young seals on the Russian rookeries.¹

The destructiveness of the Bering Sea catch, as compared with that in the North Pacific, is further shown by the relative sizes of such catches. A compilation made from the statements of yearly catches of the Victoria sealing fleet, attached to the Report of the British Commissioners (pp. 205-212), shows that the average catch per vessel for three years (1889-1891) along the Northwest Coast was 587, while the Bering Sea catch for the same period of time was 783.² It is impossible to compute accurately the

Cause of decrease of dead pups.

Increased mortality on Russian rookeries.

Comparative sizes of Bering Sea and Pacific catches.

¹ John Malowanski, *post* p. 374; N. A. Grebnitski, *post* p. 366.

² Tables compiled from Commissioners' tables, *post* p. 411.

Comparative ratio between the North Pacific and Bering Sea sizes of Bering Sea and Pacific catches, catches for a longer period, as prior to 1889 the

Bering Sea catch included a portion of the catch in the North Pacific (p. 211, note).

Sealing season in Bering Sea and Pacific compared.

The Report, in treating of pelagic sealing along the coast, states that the season extends from February to June, inclusive, and that in Bering Sea it includes July and August (Secs. 132, 212, 308, 582). It can be assumed, therefore, from the statements in the Report, that the coast catch occupies four and one-half months in taking and the Bering Sea catch but two months. On the authority of these statements above noted a table has been compiled, which shows the aver-

Average daily catch in Bering Sea and Pacific compared.

age daily catch per vessel for three years (1889-1891) along the coast to have been 4.3 and in Bering Sea 13.¹ This includes 1891, when the enforcement of the *Modus Vivendi* seriously curtailed the season in Bering Sea. The United States, therefore, contend that pelagic sealing in Bering Sea is at least three times as destructive to seal life as that along the Northwest Coast.

3. That the waste of life resulting from pelagic sealing is insignificant.

This third proposition is advanced in the Report in defense of the method employed in

¹ Table compiled from Commissioners' tables, *post* p. 411.

taking seals in the open sea; and the Commissioners, in order to establish their position, collect and quote the statements of a number of persons who disagree with the proposition which the Report endeavors to substantiate (Secs. 613, 614). These statements are all characterized as being made by persons "presumably interested in, or engaged in protecting the breeding islands, but without personal experience in the matter" (Sec. 615). The Report then proceeds to array against these opinions a number of statements "for the most part made by persons directly interested in pelagic sealing," but which, it is alleged, "must be considered as of a much higher order of accuracy" (Sec. 616) than the former statements. These interested parties thus quoted in the Report (Secs. 616-621) state that the Indians lose of the seals killed by them "very few" (Sec. 618), "at most, a few" (Sec. 619), and "one per cent." (Secs. 617, 621); the white hunters, on the other hand, are credited with losing from 3 to 6 per cent (Secs. 616-621). The Commissioners then present a number of statements (Secs. 623-626) collected from inexperienced individuals, which are open to the same criticisms as the adverse statements first quoted in the Report.

Waste of life insignificant.

The evidence advanced in the Report.

Percentage of seals lost by Indians.

Percentage lost by white hunters.

Tabulated statements of white hunters.

An endeavor is then made "to elucidate the question" under consideration by tabulating a number of statements made by white hunters and Indians, some of which are supported by their depositions and others not. "The results of this method of treatment" show that the white hunters affirm that they lose but 4 per cent of the seals they kill, while the Indians give their

Inconsistencies of statements.

loss as 8 per cent (Sec. 627). The table entitled "White Hunters" (p. 107) is averaged, while the table entitled "Indian Hunters" (p. 108) is not, for the obvious reason that these Indians (Sec. 627) appear to have lost twice as many seals as the whites, which is in direct contradiction of the statements quoted in the Report, where the witnesses speak of both classes of hunters (Secs. 616-621). If the Indian statements are to be accepted that 8 out of 100 seals killed by them are lost, and also the statements of Captains Warren, Petit, and others (Secs. 616-621) that the white hunters lost five times as many as Indian hunters, then the former are admitted to lose at least 40 per cent of the seals they kill. It is difficult to harmonize this conclusion with the table entitled "White Hunters" (p. 107), and the evidence thus presented is so contradictory that it is hard to see how any conclusions could have been reached by the Commissioners.

The table entitled "White Hunters" is made up from the statements of sixteen witnesses; five of these (Nos. 1, 7, 20, 26, and 27, p. 107) state specifically that the loss of seals they refer to are seals lost *by sinking*; six others, examined at the same time as the former witnesses, do not state what they mean by "seals lost," but it is to be presumed their meaning is the same; the statements of three others whose evidence "was personally obtained" can not be examined on this point, as such statements have not been published; Abel Douglass's ratio of loss is given in the table without reference to where it was obtained, so that what he means by "seals lost" is impossible to determine; the one remaining hunter used in the compilation of the table (William Fewing) is the only one who definitely, or impliedly, states that "seals lost" refers to those escaping as well as to those that sink, and this is particularly noted in the table under "Remarks."

It can be fairly assumed, therefore, that this table only represents the seals lost by sinking. Sources of "White Hunters" table. Table only gives seals lost by sinking.

The whole question, so important to this controversy, as to how many seals are lost by wounding is summed up in the vague admission, that "a certain proportion of the seals shot of course escape" (Sec. 628), and is dismissed by calculat-

Table only gives
seals lost by sink-
ing.

ing the number of encysted bullets found in male seals killed on the Islands in 1890, showing an average of one bullet to 280 seals killed (Sec. 628). The notion that the carcass of every seal killed on the Islands is searched for encysted bullets is sufficiently absurd, but it seems to be assumed in the reasoning of the Commissioners.

Seals lost by
wounding.

The necessarily large percentage of seals which lose their lives by wounding is shown by Mr. Townsend in his account of his experience as a pelagic hunter.¹ He states that "many times the animal is wounded sufficiently to get out of reach of the hunter before it dies;"¹ and, again, "it is from the instantly killed the seals are secured; the wounded animal uses its death struggle to get out of reach."¹ It is evident how much this class of "seals lost" must outnumber those which, killed outright, sink before they can be secured;² and yet the Commissioners have, presumably through oversight, ignored this important factor of waste of life and have dealt solely with the seals which pelagic hunters lose by the sinking of the carcass.

¹ *Post* p. 395.

² See also reports of Capt. C. L. Hooper, *post* pp. 208-219.

The United States, having reviewed these three propositions set forth in the Report, namely, (1) that the percentage of female seals in the pelagic catch is not large, (2) that pelagic sealing in Bering Sea is not as destructive to seal life as in the North Pacific, and (3) that the waste of life resulting from pelagic sealing is insignificant, deny that any one of these grounds for the Commissioners' apology have been, or can be, established.

The bases for the apology insufficient.

SECOND.

MATTERS UPON WHICH THE REPORT RELIES TO ESTABLISH CONCLUSIONS ADVANCED THEREIN AND TO FORMULATE THE REGULATIONS RECOMMENDED, WHICH MATTERS HAVE NOT BEEN DEALT WITH IN THE CASE OF THE UNITED STATES.

HABITS OF THE FUR-SEALS.

1. *That the Alaskan seal herd has a defined winter habitat.*

The Commissioners have advanced a most extraordinary theory as to the life history of the Alaskan seal herd. It is presented in the follow-

The "winter habitat" theory.

ing words: "The fur-seal of the North Pacific may thus be said, in each case [referring also to the Commander herd], to have two habitats or homes between which it migrates, both equally necessary to its existence under present circumstances, the one frequented in summer, the other during the winter" (Sec. 28). Again, the Report states that the portion of sea lying off the West Coast, between the 56th and 46th parallels of north latitude, which limits include the whole length of the British Columbian coast, "is the *winter habitat* of the fur-seal of the eastern side of the North Pacific" (Sec. 192, p. 31), and that Bering Sea may be named "*their summer habitat*" (Sec. 192, p. 31).

This theoretical proposition of an animal possessing two homes is contrary to what has been observed in respect to the habits of animals in general, and is advanced for the sole purpose of establishing a property interest in the Alaskan seal herd, resulting from the alleged presence of seals for several months in the waters contiguous to Vancouver Island. This object is shown from the following statement in the Report: "This independent native hunting [by the Indians of British Columbia] is undoubtedly a primitive vested interest of the coast tribes, and its character in this respect is strengthened by the fact, now made clear, that the winter home of the fur-seal lies along, and is adjacent to, the part of the coast which these seal-hunting tribes inhabit" (Sec. 113).

An examination of the evidence (if statements made by the Commissioners without giving the names of their informants can be so called) on which this remarkable proposition is advanced shows an important fact, which seems to have been entirely overlooked by the Commissioners. It is, that "the full-grown males, known as 'beachmasters' or 'seacatchie,' have seldom or never been reported to the south of the 50th parallel" (Sec. 193). It is evident that the Commissioners never heard of a bull seal below that

Object of proposing this theory.

The bulls do not resort to the "winter habitat."

The bulls do not resort to the "winter habitat."

parallel, nor do they anywhere state that they ever heard of a full-grown male below the 56th parallel, the assumed northern limit of the winter habitat (Sec. 192, p. 31) which they have created, and Capt. Hooper particularly states that bulls are seldom seen below Baranoff Island, the lower extremity of which is above the said parallel.¹ This southern "home" is, therefore, according to the Report, resorted to by but a portion of the seal herd; and that essential part of all animal life, the virile male, has, as is practically admitted, no home but the Pribilof Islands. The new and peculiar habitat alleged by the Commissioners is, therefore, only the winter resort of adult females and the young of both sexes, the remainder of the herd being confined to one home, the Pribilof Islands.

The data insufficient to establish.

It is, however, denied by the United States that the seals, during any portion of their migration, can be said to remain within any limits, such as are assumed in the Report, or that sufficient data have been produced, of any sort whatsoever, to warrant the construction of Chart II (facing p. 150), especially the area to the right of such chart marked in a blue color, which is stated to represent the "winter habitat" of the fur-seal.

¹Appendix to Case of the United States, Vol. I, p. 504.

Capt. Kelley, one of the witnesses whose testimony is submitted with the Report (p. 219), states that he has sealed south of Cape Flattery "and has followed the seals all along the coasts of British Columbia to Bering Sea" (p. 219, Question 3). Capt. Petit also makes the same statement (p. 220, Question 5). It is evident from these statements that sealing below the area termed "winter habitat" in the Report was a matter of common occurrence, and not unusual, as would be inferred from the chart heretofore referred to. This is also supported by the statement of every witness whose deposition is submitted with the Report and who was questioned on this point (pp. 231, 237). Testimony in opposition.

A quantity of testimony may also be found in the Case of the United States proving that sealing begins off the Californian coast.¹ The Commissioners state that "it would appear no large catches have been recorded south of the Columbia River, and much of what has been classed in the returns as 'south coast catch' has been obtained off the entrance of the Straits of Fuca" (Sec. 190). This statement is entirely unsupported by evidence of any sort, and seems to have been advanced for the sole purpose of establishing the "winter habitat" theory. It may also be noted in

¹ Appendix to Case of the United States, Vol. II, pp. 330, 331, 344, 346, etc.

Seals followed this connection that both Capt. Kelley and Capt. along Vancouver Petit, above mentioned, state that they have Island. followed the seals "along" the coast of British Columbia, which is evidence of the fact that the seal herd was moving northward when hunted off Vancouver Island.

Seals scattered The distribution of the Alaskan seal herd is during winter much more scattered during the winter months than is implied by the Report, and the range of portions of the herd is much farther south and west than appears on the Commissioners' chart of migration. Capt. Hooper, R. M., who extended his observations of 1892 in Bering Sea into September and continued his investigation of seal life and the migration of the herd until some time in November, states: "Those that leave [the Pribilof Islands] earliest go farthest south, arriving on the coast of California, and those leaving later reach the coast further up. * * * They appear at about the same time off a long line of coast, reaching from California to Washington. When they are so found they are known always to be moving northward up the coast."¹ This is also more fully treated in his report of November 21, 1892.²

Capt. Walter H. Ferguson, who has followed

¹ C. L. Hooper, *post* p. 370.

² Report of Capt. Hooper, November 21, 1892, *post* p. 228.

the sea as a profession for twenty years, and who made a careful investigation for six years of the winter resorts of the Alaskan seals for the purpose of hunting them during that season, says: "All reports tend to show there must be an immense feeding ground between latitude 40° and 42° north and extending from longitude 172° west to 135° west. * * * The reports of these vessels all show for the months of November, December and January, large bodies of fur-seal in this locality."¹ In a volume entitled "List of Reported Dangers in the North Pacific Ocean," compiled by the United States Hydrographic Office and published in 1871, mention is made of an area about 40° north latitude and 150° to 151° west longitude where the sea swarmed with seals.² It is evident, therefore, that the limited range of the fur-seal during its migration, as depicted by the Commissioners, is erroneous.

From the further data collected and mentioned above a new migration chart has been constructed, correcting and modifying the one submitted with the Case of the United States. The attention of the Tribunal of Arbitration is herewith directed to this chart, which the United

Seals found in
lat. 40° N. and
long. 172° W.

New migration
chart presented
with Counter
Case.

¹ Walter H. Ferguson, *post* p. 362.

² *Post* p. 288.

New migration States insist is more accurate and based on fuller chart presented with Counter data than the chart contained in the Report.¹
Case.

2. *That the Alaskan seal herd has changed its habits as a result of disturbance on the breeding islands and of pelagic sealing.*

Increased pe-
lagic nature al-
leged.

(a) The first assertion advanced by the Report under this head is that the seals, for the reasons above stated, have become more pelagic in their nature (Secs. 44, 85, 86).

This assumption is resorted to, as it appears, to show that land is not a necessity to the fur-seal and in order to harmonize the sworn statements of the pelagic sealers appended to the Report, that at sea the seals have not decreased, with the acknowledged decrease on the Islands. To support this proposition the evidence of these interested sealers is advanced to show that there has been no decrease at sea similar to the decrease on the Islands, but rather a possible increase (Secs. 87, 89, 94, 402). At the same time it is asserted (Sec. 281) that no "stagey"

"Stagey" seals
taken at sea.

seals are taken at sea, that the "stagey" period on the rookeries lasts about six weeks, and that this period of hair shedding is caused by prolonged resort to land. All seals must at some

¹ Chart of migration, Portfolio of maps and charts, appended to the Counter Case of the United States.

period each year shed their hair, and it is a fact that many taken in the water are "stagey,"¹ the cause alleged by the Report being undoubtedly the true one. A seal must, therefore, of necessity be on the Islands each year at some period, and it is insisted by the United States that observations on the rookeries and hauling grounds are the only criterion of the numerical condition of the seal herd.

"Stagey" seals taken at sea.

The Commissioners also present a table giving the average catch per man and per boat to show that the number taken respectively from year to year has not materially changed, notwithstanding the continual decrease (Sec. 409, p. 74). This compilation begins with 1887 and includes 1891. The years 1885 and 1886 are not used, for a reason which becomes obvious when the statistics in the Report are examined, namely, the average per man in 1885 was 127 seals, or 68 more than in any year given in the table, and in 1886, 77 seals, or 18 more than the highest number in any following year. In the year 1886 the average per boat was 241, or nearly one-third more than in any year thereafter.² It must also be recol-

Table of average catch per boat and per man.

Why averages for 1885 and 1886 not used.

Such averages of no value.

¹ Charles Behlow, *post* p. 357; C. W. Preiss, *post* p. 384; Walter E. Matin, *post* p. 376; see, also, title-page of London catalogue of sales, *post* p. 412.

² These averages are taken from the tables of catches transmitted with the Report, pp. 209, 210.

Such averages of no value. lected in considering this question that the sealing captains have each year become more and more familiar with the migration route of the seals in the North Pacific and their feeding grounds in Bering Sea, which naturally tends to increase annually the catches in these localities; and it is, therefore, only by the comparison of the catches taken in the older hunting areas, with which pelagic sealers have been familiar for twelve or fifteen years, that any evidence of value can be obtained.

Average per boat in "spring catch," 1886-1891. For this purpose a table has been prepared from the Commissioners' tables, giving the average per boat for the "spring catch," which is obtained in and about the alleged "winter habitat" of the fur-seal. As there is only one hunter to a boat, the average per man is of no value. This table shows an average of 118 seals per boat in 1886, and a constant decrease each following year until in 1891 it was but $15\frac{1}{2}$.¹ The United States deny, therefore, in view of evidence already presented in their Case² and the facts above stated, that the seals have not decreased at sea in a like ratio to that observed on the Islands.

¹ Table of average catch per vessel and per boat, *post* p. 411.

² Case of the United States, p. 169.

The Commissioners also assert that the seals found in Bering Sea are not seals which have temporarily left the rookeries to feed, but are practically independent pelagic herds (Sec. 219). The only evidence referred to for this is some alleged observations of the direction of the wind and the locality where seals are found, together with the assertion that the locality must be affected by the weather; but these observations are not given, and, even if true, are quite too slender to furnish a foundation for any conclusion.¹

This suggestion of increased pelagic nature is based on mere assumption, for which no proof, reliable or otherwise, is advanced by the Commissioners, and the United States insist that it is unworthy of serious consideration in this controversy.

(b) That the location of the breeding rookeries is dependent solely upon the fact that the seals while there are not disturbed by man.

This assertion (Secs. 523, 524), implying also the possibility of a change of rookeries when the seals are harassed, is partly founded on Indian legends and statements by J. W. Mackay and J. G. Swan, based on hearsay (Secs. 447, 448, 449), that rookeries formerly existed on the North-

¹ C. L. Hooper, *post* p. 370.

Change of rook-
eries based on
hearsay.

west Coast, and they are summarized in the sections referred to; but such statements the Commissioners have failed to authenticate. By way of further proof of the same assertion the Report presents the allegation that new breeding rookeries had been at times noted on the Kamchatka coast (Secs. 518, 519), which, however, were not visited by the British officials. Mr. Malowanski, who is the agent of the Russian Sealskin Company, was induced by the "various good authorities on the Commander Islands," on whom the Commissioners rely for this statement (Sec. 518), to visit a reputed fur-seal rookery on the Kamchatka coast, and found the reported fur-seals were sealions.¹ If all the incipient breeding rookeries alleged to exist on the Asiatic coast were examined, doubtless they would be found to be similar to the one above noted. Mr. Grebnitzki, already referred to, states that he deems it to be wholly improbable that the Commander herd visits any land other than the Commander Islands.²

One home of
Alaskan seal herd.

The United States deny that the Alaskan seals have any other home than the Pribilof Islands, or that, even if constantly disturbed by man while on the rookeries, they would seek a new habitation. In this connection, the attention of the

¹ John Malowanski, *post* p. 376.

² N. A. Grebnitzki, *post* p. 363.

Arbitrators is called to the fact that the Pribilof Islands have been inhabited by man for a century, and the seals have not deserted their home though slaughtered indiscriminately in the early years of the Russian occupation; and to the further fact that in 1851-'53 the rookeries of Robben Island were cleared of fur-seals (Sec. 510), but the few that escaped returned to the rookeries in the years following (Secs. 510, 511).

Pribilof Islands
inhabited for 100
years.

Slaughter on
Robben Island,
1851-'53.

The Commissioners have endeavored to establish their position as to the change of habits of the seal herd, through the undue disturbance of the rookeries, by citing the fact that Capt. Bryant referred to the abundance of fur-seals along the coasts of Oregon, Washington, and British Columbia in 1869 (Sec. 422); and they seek to create the impression thereby that this was directly the result of the great numbers killed in 1868 on the Pribilof Islands. The Commissioners, through no error of their own, have been led into making this incorrect statement. The "Monograph of North American Pinnipeds," quoted by them, so states; but Dr. J. A. Allen, the author of the work, says that the year was 1870, instead of 1869, as erroneously printed.¹ The statement as to the abundance of seals off the Oregon coast was first published by Dr. Allen in the "Bulletin of

Error in state-
ment relied on by
Report.

¹ Letter of Dr. Allen, *post* p. 413.

Error in statement relied on by Report.

the Museum of Comparative Zoölogy", page 88, wherein he quotes from a letter received by him from Capt. Bryant, "under date of June 14, 1870," as follows: "The *present year* unusually large numbers have been seen off the coasts of Oregon, Washington Territory, and British Columbia. * * * They were mostly of very young seals, none appearing to be over a year old." An examination of the "Bulletin" on this point by the Commissioners would have revealed the error in the later publication, used by them in their Report, and the further fact that these pup-seals could not have been of sufficient age, while on the Islands, to have been affected by any slaughter whatsoever.

ALLEGED FRAUDULENT ADMINISTRATION ON THE PRIBILOF ISLANDS.

Indirect charges of fraud in Report.

As already noted (*ante* p. 68), the British Commissioners have, without making actual charges of fraud, insinuated and apparently endeavored to give the impression that fraud was perpetrated on the Pribilof Islands by the former lessees, the Alaska Commercial Company, in taking sealskins therefrom over and above the number allowed annually by the lease. This covert charge of maladministration is a reflection upon the integrity of the United States

The parties charged.

officials at San Francisco and those who have at different times for twenty years had the charge and management of the Alaskan rookeries. And, inasmuch as no such increased numbers of skins appear in the reports of sales by Messrs. C. M. Lampson & Company, of London, it involves a reflection, also, upon the integrity of that well-known house.

The Government of the United States is loath to believe that Her Majesty's Government intentionally and knowingly adopted these charges against the officials of the United States and citizens of both nations, which are entirely unsubstantiated by evidence, when it incorporated the Report of its Commissioners in its Case before the Tribunal of Arbitration, confidently believing that all such matter, if it had been previously observed by the Agent of Great Britain, would have been expunged from the Report before its submission as a portion of the British Case.

Inasmuch, however, as such charges have become a part of the Case of Her Majesty's Government before the Tribunal of Arbitration, the United States consider it a duty to deal therewith, not because the same are sufficiently definite or important to establish any facts material to this controversy, but for the sole purpose of vindicating the officials of the United States;

The parties charged.

Great Britain and the frauds charged.

Reason United States consider the charge.

Reason United
States consider
the charge.

nevertheless, always insisting that all such charges of fraudulent practices are irrelevant to the present issue, and are introduced by the Commissioners for the purposes of distracting the attention of the Arbitrators from the true issue and of throwing a general discredit upon the administration of the seal rookeries by the United States.

Fraud, as alleged
in the Report.

The charges referred to are presented in the Report in the following words: "Statements have been made to the effect that during the lease of the Alaska Commercial Company frauds were perpetrated in regard to the number of skins taken on the Islands and counted for taxation. No direct evidence of this seems to have been produced, but as the official counting of the skins both on the Islands and in San Francisco was done in bundles, each of which was supposed to consist of two skins, it is obvious that, but for observed difference of size and weight, three or even four skins might have been bundled and corded together and counted as two." (Sec. 670.) And, again, the Report states that there were "several instances of the same individual, now in the capacity of an employé of the Company and again as a supervising officer of the Government" (Sec. 52), and the latter assertion is connected

with the statement that the reports made to the Treasury Department by the officials in charge of the Islands are "often contradictory" and "manifestly inaccurate;" one of the reasons for "these discrepancies" being the alleged fact above quoted. The Commissioners give no authority for the last-mentioned statement, nor do they recite the sources of information for their insinuations as to fraud of any kind. It would not be too strong an expression in relation to them to say that they are an inexcusable libel.

Fraud as alleged in the Report.

No authority for charges.

The Commissioners have, with the usual "care" employed in their examination of "all documentary evidence" (Sec. 8), culled out of the Census Report of Mr. Henry W. Elliott a statement which gives the impression that the skins taken by the lessees were only counted in bundles on the Islands, and that they were recounted in the same bundles by the customs authorities in San Francisco. Mr. Elliott, however, intended no such conclusion to be drawn, as is evidenced by the following quotation from the same report, page 106: "The skins are counted four times on the island, as follows: by the company's agent and the native chiefs, when they are put into the salt-houses, the latter giving their accounts, after each day's killing, to the government agent; again when they are bundled by the natives, who

H. W. Elliott's statements distorted.

Counting skins on Pribilof Islands.

Counting skins
on Pribilof Isl-
ands.

do the work, as each is paid for his labor by the bundle; by the government agent when they are taken from the salt-houses for shipment, and the fourth time by the first officer of the company's steamer, as they are delivered on board."

The bundles were then transported by the steamer to the port of San Francisco and never opened on board the vessel, excepting to re-bundle those which had become loose, and then only two skins were placed in a bundle.¹ On

Recount at San
Francisco.

reaching San Francisco the bundles were counted by a United States custom-house official and also by an employé of the Alaska Commercial Company.² A few bundles were then opened

A few bundles
opened.

by an agent of the company, to examine into their condition, the number thus opened being

Packing and
shipment.

from twelve to twenty in the whole cargo.³ All the Pribilof sealskins, bundled as when they were received, were immediately packed in casks (such packing since 1878 being done at the wharf where the skins were unloaded),⁴ taken to the railway station, and shipped to C. M. Lampson & Company, of London.⁵

¹ M. C. Erskine, *post* p. 360.

² Louis Sloss, jr., *post* p. 384.

³ Gustave Niebaum, *post* p. 382; Louis Sloss, jr., *post* p. 384.

⁴ Gustave Niebaum, *post* p. 382; Martin Myer, *post* p. 380; J. B. Brown, *post* p. 358.

⁵ Gustave Niebaum, *post* p. 382.

If these bundles had contained more than two skins, such fact would have been known to the London firm; but it is specifically stated by them that they never found more than two sealskins in any of the bundles consigned to them by the Alaska Commercial Company during the nineteen years of the lease.¹ This evidence is further supported by the testimony of the vice-president of the Alaska Commercial Company, who made the annual examination of a few skins from each cargo when the quota arrived at San Francisco;² by the sworn statements of the packer of the sealskins;³ by the foreman of the stevedores who unloaded the company's steamer;⁴ and by Capt. Erskine, who has commanded the company's steamer for over twenty years.⁵ Those who are familiar with the handling of raw sealskins state that three skins could not be rolled in a bundle without exposure of such fact, and that it would be impossible to roll four skins together under any circumstances.⁶ This fact was further verified by Maj. W. H. Williams, who made a special investigation on this point in 1892.⁷

Only two skins
in a bundle.

Three skins in a
bundle would be
detected.

¹ Letter from C. M. Lampson & Co., *post* p. 415; Alfred Fraser, *post* p. 415.

² Gustave Niebaum, *post* p. 382.

³ Martin Myer, *post* p. 380.

⁴ James B. Brown, *post* p. 358.

⁵ M. C. Erskine, *post* p. 360.

⁶ Martin Myer, *post* p. 380; Gustave Niebaum, *post* p. 382.

⁷ W. H. Williams, *post* p. 399.

Implied fraud in weight of bundles.

The Commissioners further rely upon Mr. Elliott's statement, that skins weigh from $5\frac{1}{2}$ pounds to 12 pounds (Sec. 671), and upon the comparison of such statement with that of Lieut. Maynard, "an independent observer," who gives the average weight of bundles as 22 pounds and the weight of the largest as 64 pounds (Sec. 672). This "appears" to the Commissioners to require "some explanation" (Sec. 673). The implication is evident, and the United States offer the explanation in vindication of the officers of the Gov-

Explanation of weight.

ernment who are thus charged. A bundle contains not only the two sealskins proper, but salt and blubber, with which they are packed for their preservation; this naturally adds greatly to the weight, as does also the moisture collected by the salt and fur. A bundle will, therefore, sometimes weigh as much as 60 or 70 pounds, if the two pelts are large, and even when consisting of only two skins of "yearling pups," weighing when dry probably 5 pounds, the bundle weighs sometimes 20 pounds.¹ It is also a fact that in the early years of the lease some exceptionally large skins were taken on the islands.²

Various counts of skins compared.

A comparative statement of the counts of the sealskins for the entire term of the lease, made, respectively, by the Government official on the Is-

¹ W. H. Williams, *post* p. 399; Louis Sloss, jr., *post* p. 384.

² H. H. McIntyre, *post* p. 373.

lands, the custom-house inspector at San Francisco, the Alaska Commercial Company's packers before shipment to London, and by C. M. Lampson & Company, shows that but 900 more skins were sold during twenty years in London than appear in the original count made when the bundles were loaded on the steamer at the Pribilof Islands.¹ This is an average of 45 skins per year out of a quota of 100,000, which quota was fully taken in seven years only. To this extent, and to this extent alone, can fraud be charged.

Various counts
of skins compared.

Practical agree-
ment of counts.

In 1875 Special Agent J. S. Moore made a report to the Secretary of the Treasury, embodying the result of certain investigations made by him as to the number of skins taken by the lessees of the Pribilof Islands. He found that 559 more skins had been sold in London than those accounted for in the tax receipts from the Treasury Department, and he submitted a table, compiled by him, giving the number of skins on which tax was paid, the number accounted for as shipped to C. M. Lampson & Company, and the number sold by them. He summarizes the result of his investigation as follows: "I am perfectly satisfied that these figures are correct, unless not only the company, but the customs officers on the Islands, the officers of the ships that bring the

Moore's report
of 1875.

¹ Max Heilbronner, *post* p. 368.

Moore's report of 1875. skins, the customs officials at San Francisco, and

the great house of Messrs. Lampson & Company in London are one and all in collusion and conspiracy to defraud the Treasury of the United States. There would, besides, be another difficulty to overcome, as it would be necessary to keep false books and false entries, while in fact nothing is so easily detected as false bookkeeping."¹

Employés of lessees as Government agents.

As to the allegations in the Report that Government officials were formerly employés of the lessees, the United States admit that in one instance a Government agent (John M. Morton), who had charge of the administration of the Pribilof Islands, was formerly in the employ of the Alaska Commercial Company,² but deny that any similar case has occurred, and assert that the imputation of fraud from such a circumstance is unwarranted.

Further vindication of the officials and citizens of the United States, to whom the Commissioners have seen fit to impute fraudulent practices and conspiracy to defraud the Government of the United States, is considered to be unnecessary.

¹ *Post* p. 283.

² Gustave Niebaum, *post* p. 283.

THIRD.

REGULATIONS PROPOSED IN THE REPORT.

The Commissioners of Great Britain have introduced in their Report a number of schemes for the future regulation of taking fur-seals belonging to the Alaskan herd. The United States The only regulations sufficient. insist, as claimed in their Case, that they have, upon the facts established by the evidence, such a property and interest in the seal herd frequenting the Islands of the United States in Bering Sea, and in the industry there maintained arising out of it, as entitles them to protection and to be protected by the award of this Tribunal against all pelagic sealing, which is the subject of controversy in this Case. And, quite irrespective of any right of property or of self-defense in respect of their territorial interests, they claim to have clearly shown that no regulations short of prohibition will be sufficient to prevent the early destruction of the Alaskan seal herd.

In a consideration of these regulations suggested, it is apparent that the principal curtailment of seal-killing, in each of the various plans proposed, is to be applied to the Pribilof Islands. Jurisdiction of Tribunal of Arbitration.

Jurisdiction of
Tribunal of Arbitration.

All recommendations applying to the territory of the United States, even if the property of that Government in the seal herd is not considered, as seems to be the case from the proposals advanced by the Commissioners, are irrelevant in this Arbitration. The jurisdiction of the Tribunal of Arbitration does not, according to the understanding of the Government of the United States, extend to territory or territorial waters, which are not in dispute and the rights over which have not been submitted to this Tribunal.

Unfairness of
regulations proposed.

The manifest unfairness, however, of the regulations suggested calls for the attention of the United States, as the proposals submitted by the Commissioners demonstrate most clearly the spirit of partiality which is a feature of the whole Report. For this purpose the United States will give brief attention to these suggested regulations; nevertheless, always insisting that all proposals affecting the unquestioned territorial rights of the United States are without the jurisdiction of this Tribunal and are irrelevant to the present contention.

(a) *Improvements in the methods of taking seals.*
(Secs. 147-150.)

On Pribilof
Islands.

The first suggestions advanced by the Commissioners are in relation to improvement in the

methods of taking seals on the breeding islands; On Pribilof Islands. all of these proposed improvements are already in force on the Pribilof Islands, though the United States admit that in some minor details a change may be beneficial.

The second suggestions are as to improvements At sea. in the methods employed at sea. The first proposal is to prohibit the use of the rifle. Use of the rifle obsolete. The following statements in the Report show the little importance of such a regulation: "The rifle was introduced, though soon superseded by the shotgun, which has now become the usual hunting weapon" (Sec. 584, p. 100); "if killed, as happens in the majority of cases, especially now that the shotgun has superseded the rifle," etc. (Sec. 604); "the use of the shotgun for the purpose of killing seals at sea has now become so nearly universal that it is doubtful," etc. (Sec. 657). It does not seem that the Commissioners can seriously advance a proposition to prohibit a weapon the use of which in pelagic sealing has become obsolete.

The second improvement is the adoption of a Licenses apply to only half of hunters. system of licenses for *White hunters*, there being no suggestion made for such licenses for *Indian hunters*. In 1891, according to the Commissioners' table (p. 205), 715 whites and 368 Indians were employed on the vessels constituting

Licenses apply
only to half of
hunters.

the Victoria sealing fleet. Of all these vessels but three had white seamen (p. 205). It can, therefore, be assumed that at least 360 of the Indians were hunters or canoemen; and, as but two Indians go in a canoe,¹ 180 of the 369 boats and canoes given in the table contained Indian hunters, so that this general "improvement" proposed would only affect one-half of the hunting force of the Victoria fleet. Besides this, the system of licenses proposed, the United States contend, could not be made effective, even if it covered all classes of hunters.

Increased li-
cense for steam
vessels of no value.

The third "improvement" suggested is to increase the license fee for "vessels propelled by machinery." As but two out of fifty of the Victoria fleet appear, by the table in the Report (p. 205), to have used machinery in 1891, and as their catches were but 50 and 385 skins, respectively, while the average per vessel is shown by the table to have been nearly 1,000, it is impossible to see how such a restriction would be particularly beneficial. It has also been stated by those interested in pelagic sealing at Victoria that the steam vessels used in seal-hunting have never paid expenses.²

¹ Appendix to Case of the United States, Vol. I, pp. 498, 504; Vol. II, pp. 317, 326, 369, etc.

² Report of Special Agent Henry, *post* p. 246.

(b) *Restriction in the number of seals to be taken.*
(Secs. 151-154.)

The Report presents suggestions whereby it is proposed to limit the number of seals taken. ^{Unfairness of limitations proposed.} It is observable that the limitations proposed for the Islands are for a fixed number and class of seals; while the restrictions for pelagic sealing are prohibitions as to time and place, no provision being made as to number or kind of seals taken. The unfairness of such proposals is manifest.

(c) *Specific scheme of regulations recommended.*

The Commissioners, after this generalization ^{Regulations recommended.} as to the methods of restriction necessary, present specific limitations "at shore and at sea," which they believe would afford the requisite degree of protection, in view of the actual condition of seal life as it presents itself to them at the present time. (Sec. 155.)

The first restriction proposed is to limit the number of seals to be taken on the Pribilof ^{Limitation of quota on Pribilof Islands.} Islands to a fixed maximum of 50,000 (Sec. 155a). This proposed regulation, being applicable to the territory of the United States is, as already noticed, without the jurisdiction of this Tribunal.

The second proposition is to create a zone about the Pribilof Islands with a radius of 20 nautical ^{Protective zone proposed.}

Protective zone miles, within which pelagic sealing shall be proposed. prohibited (Sec. 155b). The Case of the United States has fully dealt with this plan of zonal protection,¹ and the Report itself practically admits the difficulty of enforcing such a prohibition (Secs. 160, 768).

Close season proposed. The third proposal of the Commissioners is a close season for pelagic sealing, extending from the 15th of September to the 1st of May in each year, with the additional provision that no sealing vessel shall enter Bering Sea before the 1st of July in each year (Sec. 155c). This is based on Basis of proposed close season. the assumption that males and barren females constitute substantially the whole of the pelagic catch in Bering Sea (Sec. 648). If, however, this could be established, it is at once evident that, if the alleged faults in the management of the Pribilof Islands were corrected, the class of barren females, alleged as forming a large percentage of the Bering Sea catch (which assertion is advanced as an apology for pelagic sealing), would entirely disappear. Thus the excuse for open-sea sealing is based on the alleged mismanagement of the seal rookeries by the United States.

Close season would have little effect. The period in which sealing is allowed by the regulations proposed is substantially the same as

¹ Case of the United States, pp. 256-263.

the time occupied by the sealers in taking the so-called "Sand Point" and "Bering Sea" catches, which in 1891, according to the Commissioners' table (p. 205), constituted 93 per cent of the total catch of the Victoria fleet. The Commissioners thus propose that the Pribilof Island quota be cut down 50 per cent and the pelagic catch but 7 per cent.

As to the further concession of the Report, that sealing vessels may be prohibited from entering Bering Sea till the 1st day of July in each year, it is to be noted that the Commissioners state that the sea is "now usually entered by pelagic sealers between the 20th of June and 1st of July" (Sec. 649). It can not be that such a useless restriction can be suggested in the Report, except for the purpose of appearing to make a concession when none is really made.

The Report further proposes that for every decrease of 10,000 seals taken on the Islands an increase of 10 nautical miles be given to the width of protected waters about the islands (Sec. 156). As this is simply an extension of the zonal question to a larger area, it is considered to be unnecessary to further discuss this proposed "compensatory adjustment." A second proposal of the same nature is to curtail the open season for pelagic sealing by seven days if the quota

Close season
would have little
effect.

Not entering
Bering Sea before
July 1, no conces-
sion.

"Compensatory
adjustments" pro-
posed.

"Compensatory adjustments" proposed. on the Islands is reduced 10,000. The Commissioners evidently consider that this suggestion is

"a just scale of equivalency as between shore and sea sealing" (Sec. 156); that is, that one

Supposed pelagic catch, 10,000 a week. week of pelagic sealing equals 10,000 seals killed.

As the open season proposed by them consists of over twenty weeks, this presupposes a pelagic catch of 200,000 seals, or four times as many as are contemplated by their regulations to be allowed to the Pribilof Islands. It would also make the combined number of skins derived from the Alaskan herd 250,000, which certainly would be more damaging to seal life than the present condition of affairs, even if the United States allowed 100,000 skins to be taken on the Islands.

Unfairness of Commissioners shown.

The recommendation by the Commissioners of a series of regulations such as those above considered is clearly indicative of the bias and partisan spirit which appear in nearly every section of their Report.

Alternative methods of regulations.

The alternative regulations proposed (Secs. 163-168), such as entire prohibition of killing seals on the breeding islands and periods of rest, with the necessary governmental charge thereby imposed, are not regarded by the United States as subjects requiring attention in the Counter Case. They are manifestly inadmissible.

REPLY OF THE UNITED STATES TO THE
BRITISH CLAIMS FOR DAMAGES.

In regard to the schedule of claims for damages appended to the Case of Great Britain, upon which findings of fact are asked under the provisions of Article VIII of the Treaty of Arbitration:

The United States admit that a portion of the ^{Seizures admitted.} vessels named in the schedule were seized by their cruisers at or about the time stated, that the vessels were at the times of such seizures in the waters of Bering Sea and more than one marine league from any land owned by or within the jurisdiction of the United States; but such seizures were made upon the waters included in the treaty of cession of March 30, 1867, between Russia and the United States.

As to others of the vessels mentioned in the ^{Prohibition of sealing in Bering Sea admitted.} schedule, the United States admit that they were ordered by the cruisers of the United States to leave Bering Sea, where they were unlawfully engaged in taking fur-seals; and, as to others, that they were about to enter that sea for the same unlawful purpose and were warned not to do so by the cruisers of the United States. But, whether the vessels so ordered out of Bering Sea, or warned not to enter the same, left it, or refrained from entering it, by reason of such

Prohibition of
sealing in Bering
Sea admitted.

of orders and warnings, the United States are not informed save by the statements accompanying said claims, and they do not admit that such orders or warnings were obeyed.

Reasons why
seizures made.

The United States charge that each and all of the vessels when so seized were engaged in the hunting of fur-seals in the waters of Bering Sea in violation of the statutes of the United States, and that such seizures were made in accordance with the laws of the United States¹ enacted for the protection of their property interest in the fur-seals which frequent Bering Sea and breed only upon the Pribilof Islands, which Islands are part of the territory of the United States; and that the acts of the crews and owners of these vessels in hunting and catching seals were such as, if permitted, would exterminate the Alaskan seal herd and thereby destroy an article of commerce valuable to all civilized nations.

Vessels seized,
owned by United
States citizens.

It is further insisted, on the part of the United States, that the steam schooners *Thornton*, *Grace*, *Anna Beck*, and *Dolphin* and the schooners *Sayward*, *Carolena*, *Pathfinder*, *Alfred Adams*, *Black Diamond*, and *Lily*, for the seizure of which claims for damage are made, were at the time of their seizure owned in whole or in part by citi-

¹ Sec. 1956, Revised Statutes of the United States; see Appendix to Case of the United States, Vol. I, p. 96.

zens of the United States, and that, therefore, no claim for damages can be urged in their behalf by Great Britain; that the steam schooners *Thornton*, *Grace*, *Anna Beck*, and *Dolphin* and one-half of the schooner *Sayward* were owned by one Joseph Boscowitz, a citizen of the United States; that James Douglas Warren, in whose name the claim is made as to the steam schooner *Thornton*, had no real interest therein, but that the same was mortgaged to her full value to Joseph Boscowitz, who was in fact the real owner; and that Thomas H. Cooper, in whose name the claims growing out of the seizures of the schooner *W. P. Sayward* and of the steam schooners *Grace*, *Dolphin*, and *Anna Beck* are made, had in fact no interest therein and has in no respect been damnified or sustained loss by the seizures thereof, either as owner of these schooners and steam schooners, their outfits, or their catches, the same being mortgaged to their full value to Joseph Boscowitz, above referred to, and having been conveyed to Thomas H. Cooper, without consideration, for the sole purpose of giving them a registry as British vessels.¹

Vessels seized,
owned by United
States citizens.

Relations of Bos-
cowitz, Warren,
and Cooper.

Joseph Bosco-
witz, United
States citizen,
owner.

It is also insisted by the United States that the schooners *Carolena* and *Pathfinder* were in

A. J. Bechtel,
United States citi-
zen, owner.

¹ Deposition of Thomas H. Cooper, *post* p. 320. Affidavit of T. T. Williams, Appendix to Case of the United States, Vol. II, p. 491; *post* p. 351. Testimony in *Warren vs. Boscowitz*, *post* p. 301-320.

A. J. Bechtel, United States citizen, owner.

fact at the time of their seizure owned by one A. J. Bechtel, then a citizen of the United States,¹ and that William Munsie and Frederick Carne, in whose names the claim for damages growing out of the seizure of these schooners are made, had in fact no interest in the schooners or their outfits and catches; that the schooners *Alfred Adams*, *Black Diamond*, and *Lily*, for the seizure of which claims are made in the schedule, were

A. Frank, United States citizen, owner.

in fact at the time they were seized owned by one A. Frank, who was then a citizen of the United States; that Gutman, in whose name the schooner *Alfred Adams* was registered, was not the actual owner of the schooner, her outfit or catch, but, on the contrary, that the said schooner, her outfit and catch, were owned by said Frank; that after the release of the *Alfred Adams* from seizure her name was changed to *Lily*, in behalf of which damages are also claimed in the schedule, she remaining the property of A. Frank, and he alone being interested in her outfit and catch, and not Morris Moss, in whose name the last-mentioned claim is presented; and that said Frank was also the owner of the schooner *Black Diamond*, her outfit and catch, and that he was the real person who sustained damage or loss by

¹ T. T. Williams, *post* p. 351.

reason of the seizures of the *Alfred Adams*, *Lily*, and *Black Diamond*.¹ A. Frank, United States citizen, owner.

It is further insisted, on the part of the United States, that all the items in the several claims in the schedule, designated as "loss of estimated catch," "probable catch," "balance of probable catch," "reasonable earnings for months of October, November, and December," "loss of profits," for seasons subsequent to seizure, and all items in said claims based on future or contingent events, are in the nature of prospective profits or speculative damages, and are so uncertain as to form no legal or equitable basis for finding facts upon which damages can be predicated. Claims of the same nature were made on behalf of the United States before the Tribunal of Arbitration on the Alabama Claims, which met at Geneva in 1872, and in passing upon this class of claims that Tribunal said: "And whereas prospective earnings can not properly be made the subject of compensation, inasmuch as they depend in their nature upon future and uncertain contingencies, the Tribunal is unanimously of opinion that there is no ground for awarding to the United States any sum by way of indemnity under this head."² No damages can be awarded for prospective profits.
Decision in Geneva Arbitration.

¹ W. H. Williams, *post* p. 352.

² Papers relating to the Treaty of Washington (Alabama Claims), Congressional publication, Vol. 4, p. 53.

All damages
claimed excessive.

It is further insisted, on the part of the United States, that the value of each and all the vessels so seized, mentioned in the schedule of claims, and the detailed accounts in relation thereto, are grossly exaggerated, and that, in fact, the values of these vessels and their respective outfits were far below the amounts stated and claimed; and the damages claimed are in all respects excessive,¹ aside from those which, as stated above, are wholly untenable.

Questions sub-
mitted under Ar-
ticle VIII.

The United States do not deem it necessary to state in detail wherein the valuations and damages claimed are excessive and exaggerated, or submit proofs in relation thereto, further than by the analysis of said claims found in the Appendix to this their Counter Case, at page 339, for the reason that the "questions of fact involved in the claim" of either of the parties to the Treaty against the other, to be submitted to the Tribunal of Arbitration under the provisions of Article VIII, should, as this Article is understood by the United States, have relation only to such facts as tend to fix the liability of one party to the other, and do not include facts which only relate to the amounts of such claims.

¹ Tables showing values of vessels seized, etc., *post* pp. 339-340. Report British Commissioners, pp. 205, 210, and 211.

The Government of the United States, in closing its presentation of the matters in controversy by this reply to the printed Case of Great Britain, reasserts the positions taken in its printed Case and all of the propositions and conclusions contained therein, and is prepared to maintain the same by argument before the Tribunal of Arbitration.

Reasserts the
positions taken in
the case.

APPENDIX

TO

THE COUNTER CASE OF THE UNITED
STATES.

DIPLOMATIC CORRESPONDENCE RELATING TO THE INTERPRETATION OF THE TREATY OF ARBITRATION.

Mr. Foster to Mr. Herbert.

DEPARTMENT OF STATE,
Washington, September 27, 1892.

SIR: On the 6th instant, the day after the receipt by me of the Printed Case of Her Majesty's Government called for by the provisions of the Arbitration Treaty of 1892, in a conference which I had the honor to hold with you at the Department of State, I made known to you the painful impression which had been created upon me by a hasty and cursory examination of that Case. I withheld any formal representation on the subject until I could have an opportunity to lay the matter before the President. His absence from this capital and the attendant circumstances have made it necessary for me to delay a communication to you till the present.

I am now directed by the President to say that he has observed with surprise and extreme regret that the British Case contains no evidence whatever touching the principal facts in dispute upon which the Tribunal of Arbitration must in any event largely, and in one event entirely, depend. No proof is presented upon the question submitted by the treaty concerning the right of property or property interest asserted by the United States in the seals inhabiting the Pribilof Islands in Bering Sea, or upon the question, also submitted to the Tribunal of Arbitration, concerning the concurrent regulations which might be necessary in a certain contingency specified in the Treaty.

If it were fairly to be inferred from this omission that no proofs on these important points are intended to be offered in behalf of Her Majesty's Government, no ground for criticism or objection by the Government of the United States could arise, since it is within the exclusive province of either party to determine what evidence it will submit in respect to any part of the controversy, or to refrain from submitting any evidence at all. But such inference as to the course contemplated by the British Government does not seem consistent with certain statements made by its agent in the Printed Case submitted by him.

In reference to the asserted property rights and interests, it is said, after a brief discussion of the question upon the assumption that seals are *feræ naturæ*: "In the absence of any indication as to the grounds upon which the United States base so unprecedented a claim as that of a right to protection of, or property in, animals *feræ naturæ* upon the high seas, the further consideration of this claim must of necessity be postponed." (British Case, p. 140.) And in reference to the subject of concurrent regulations it is said: "The further consideration of the subject of any proposed regulations, and of the evidence proper to be considered by the Tribunal in connection therewith, must of necessity be for the present postponed." (British Case, p. 157).

It would seem from the foregoing extracts that it is the view of the Agent of the British Government that he still has an opportunity of

laying before the Tribunal any matter which he may choose to introduce by way of proofs or evidence bearing upon the question of property, or interest in the nature of property, in the Alaskan fur-seals, or upon the question of concurrent regulations for the protection and preservation of the same; and, inasmuch as the Treaty provides for the submission of evidence only through the Cases and Counter Cases therein mentioned, such view of the British Agent must be that he may incorporate such proof and evidence in the Counter Case to be prepared by him, leaving the United States without any means of contradicting, limiting or qualifying them, however open they may be to contradiction, limitation, or qualification.

It must be evident to the Government of Her Britannic Majesty that by the provisions of the Treaty the question whether the United States have any property interest in the seals referred to, and the question what concurrent regulations in the specified contingency may be necessary, are directly submitted to the Tribunal; that the Treaty assumes that each party will or may have allegations to make and evidence to produce upon both questions; that the plain contemplation of the Treaty is that each party shall state in his case what his propositions of law are, and the evidence which will be relied upon in support of them, to the end that the other party may have a fair opportunity of showing in his Counter Case that such evidence is untrue, or erroneous, or partial, or subject to qualification or explanation, for which purpose alone the provision for a Counter Case was framed.

The British Agent and Counsel must well know that the decision of the two questions above referred to must depend upon the evidence produced concerning the nature and habits of the fur-seal, and the methods of capture and killing which are consistent with the preservation of the species; and that it is mainly upon these points that collision and contradiction upon matters of fact and differences in respect to matters of opinion are exhibited by the statements of persons likely to be made witnesses; that such witnesses are, in many instances, under the influence of prejudice and bias, and in some, open to the suspicion of insincerity and untruthfulness; and that the only way by which either party may protect itself against the consequences of falsehood or error is by having an opportunity to detect and expose it.

The President can not conceal his astonishment that it should be assumed that the British Government is at liberty to introduce a whole body of testimony of this character for the first time in its Counter Case, and thus shut out the United States from an opportunity of detecting and exposing any errors which may be contained in it. The Government of the United States can not fail to be aware, from the correspondence that has hitherto taken place on this subject between the two Governments, as well as from full information derived from the representatives and agents of Her Majesty's Government and the Canadian Government in the course of the proceedings and discussions that have already occurred, not only that it is claimed on the part of those Governments that material evidence exists to contradict the facts asserted by the Government of the United States, but that a considerable part of it has been already taken and prepared by the British Government, as to the character, extent, and weight of which, however, the Government of the United States is wholly uninformed.

The propositions of law and of fact upon which the United States will rely in the Arbitration are precisely stated in its Case now in the hands of Her Majesty's Government, and need not be recapitulated here. In support of these assertions of fact a large amount of evidence, and all the evidence the Government of the United States will offer,

except in rebuttal of that which may be introduced on the other side, has been prepared and is printed in the American Case and its Appendices.

The facts presented in the American Case are not new. They have been the subject of long discussion and correspondence between the two Governments, and of prolonged consideration by the Commissioners of the respective Governments appointed many months before the Treaty was celebrated, and whose functions, set forth in Article 9 of that instrument, were to investigate the subject of seal-life and the measures necessary for its protection. The opposing claims of the Governments in respect to these facts have been recognized and understood as constituting in one view to a large extent, and in another view to the full extent, the controversy for the determination of which the Tribunal of Arbitration has been created. If the Commissioners could have agreed in respect to them, as was hoped and desired on both sides, an arbitration might not have been necessary. It is therefore impossible for the Government of the United States to believe, unless it should be so assured by Her Majesty's Government, that it is the intention of that Government to bring forward no evidence on these points in its own behalf.

If such evidence is to be offered hereafter in the British Counter Case, the result of withholding it in the Case already delivered will be as follows: When presented in the Counter Case the United States Government will have under the provisions of the Treaty no opportunity whatever to meet it by rebutting proof of any description, but must proceed immediately to trial without being able to offer any contradictory, explanatory, or impeaching evidence. The Counter Case is the last chance afforded by the Treaty for the introduction of any evidence at all. It is therefore provided that the Counter Cases shall not be exchanged until thirty days before the final submission of the questions for decision. And thus the whole body of the British evidence, if reserved for the Counter Case, would only come to the knowledge of the Government of the United States on the eve of the hearing, without the privilege of answering it.

Especially would such a method of trial prove injurious to the United States Government in respect to that branch of the hearing that refers to the regulations which the Tribunal is authorized to prescribe in its discretion for the preservation of the seal herd from extinction, if in the course of the consideration of the Case they should reach the conclusion that the United States Government can not demand such protection as a right. A strange misconception seems to exist in the mind of the Agent of Great Britain that a hearing other than that provided in the Treaty is to be afforded for the consideration of the question of regulations, should the contingency therefor arise, and that another opportunity than the Printed Case is to be granted for the submission of evidence upon this question.

It must be manifest from an examination of the Treaty that only one opportunity is afforded each party to submit evidence on this question, and that is to be availed of in the original Case, except so far as evidence in rebuttal may be legitimate in the Counter Case. Should the Arbitrators, in the course of their deliberations, find it necessary to consider the question of regulations, the nature, extent, and efficiency of the regulations to be framed must be determined entirely upon the evidence already submitted, since the subject is one upon which the Arbitrators can have no other knowledge than that thus afforded. How far and how gravely the Governments are at issue upon this point may be seen by reference to the correspondence regarding it between

their respective representatives preceding the celebration of the Arbitration Treaty. Can the United States be reasonably expected to discuss this important question upon a mass of adverse evidence which it has had no chance to meet by counter evidence and hardly time intelligently to peruse?

It is further worthy of remark that, by the proposed method of making up the Case, the United States Government will not only be deprived of the means of reply to the British evidence by proof, but also of the opportunity adequately to discuss it in argument. It will be observed from the provisions of the Treaty that the written argument upon the whole case must be complete and delivered within thirty days from the reception of the Counter Cases. During this time the argument on the American side must be prepared, printed, and sent across the Atlantic, although a considerable part of the time must necessarily be occupied by counsel in reaching Paris from the United States. While this may be possible, though not easy, in respect to so much of the Case as has been for several months previously in the hands of counsel, if only evidence strictly in rebuttal remains to be dealt with after the Counter Cases are exchanged, it would be manifestly impossible, if the bulk and strength of the British proofs are to be presented for the first time in the Counter Case, to prepare any argument in respect of them that would be likely to be useful within a period so short and so interrupted.

To a construction of the terms of the Treaty which leads to results so grossly unjust and so gravely prejudicial, the Government of the United States can not assent. It would be, in its judgment, such a perversion of the letter and such a violation of the spirit of the Treaty as would threaten to defeat its objects and be fatal to its usefulness. It may safely be asserted that in no judicial proceeding ever invented for the determination of disputed facts was it allowed that one party should be at liberty to introduce his whole case in such a manner as to give his adversary no opportunity to present evidence in reply to it, although afforded on his own side full means of replying to his adversary's testimony. Such a method of trial could not be expected to result in a just decision. Had such a proposal been made in the present case by either of the high contracting parties, when the provisions of the Treaty were being framed, it would have been at once rejected, not only as inadmissible, but as unworthy of the Government presenting it.

The true intent of the terms of the Treaty in respect to the mode of trial is, as the Government of the United States respectfully insists, obvious and clear. But one Case and one Counter Case are provided for on each side. No issue is previously formed, and no pleadings interposed. It is manifestly contemplated that both parties shall simultaneously submit to the Arbitrators and to each other, in the Case which is to be exchanged within four months from the ratification of the Treaty, their propositions, their claims, and their evidence, upon all points in dispute. Neither goes forward, as in an action at law, neither is entitled to wait until he receives his adversary's case before submitting his own. Both understand by long correspondence and negotiation what the controversy is. Then to each is afforded the opportunity to reply to the Case on the other side in the Counter Case, which is to be exchanged within three months after the reception of the Case. The language of Article IV is upon this point decisive. No further opportunity of submitting evidence and no second hearing are provided for respecting regulations or any other matter.

To the Counter Case no reply is provided for, except in argument, for the plain reason that it is supposed to contain no evidence except that in rebuttal. This method is fair to both sides, and places both on an

equality. And as confirming the intention of the Governments as to these stages of the proceedings of the Arbitration, it is required that the decision of the Tribunal on the points submitted to it shall, if possible, be made within three months from the close of the arguments.

The Government of the United States has entire confidence that in this view of the requirements of the Treaty it will have the concurrence of Her Majesty's Government.

The Government of the United States has been and is extremely desirous that the Arbitration should proceed, but only according to the Treaty, the object of which was to provide a fair trial. To this end it has made an elaborate preparation and has complied, on its part, with every requirement of the Treaty. It would be a source of profound regret to the United States Government and, as it can not doubt, to Her Majesty's Government, if the Arbitration should at this stage be put in peril. Should the assurance be received from Her Majesty's Government that the apprehension above expressed is unfounded, and that it is not intended on the part of that Government to offer in its Counter Case evidence on the points that have been mentioned herein, the Government of the United States would accept the British Case as already delivered as a full compliance with the requirements of the Treaty.

But in the absence of such an assurance, and in view of the statements made in that Case by the agent of Great Britain herein quoted, I am directed by the President to state that he would feel constrained to regard the British Case as submitted, as a failure on the part of Her Majesty's Government to comply with the terms of the Treaty of February 29, 1892, and to protest in the most solemn manner against this noncompliance with its provisions.

But the President entertains the greatest confidence that when the views herein expressed are brought to the attention of Her Majesty's Government it will hasten to correct the errors which have been made by its representatives in charge of its Case, and he is pleased to give the assurance in advance that the Government of the United States will assent to any reasonable means that may be proposed to that end by Her Majesty's Government. It is to be noted, however, that if the date fixed in the Treaty for the closing of the Counter Cases is to be observed no time is to be lost by the British Government in submitting such proposition as may seem to it to be called for under the circumstances.

It would not be possible to correct the injustice which the Government of the United States conceives has already been done by the manner in which the British Case has been made up. It was an advantage which, it is conceived, was not intended to be afforded to either party that, in taking its evidence in chief, it should have the benefit of the possession of all the evidence on the other side, as also that in making up the report of its Commissioners it should first be provided with that of their colleagues representing the other Government in respect to those points upon which they have failed to agree. But this disadvantage the United States Government prefers to submit to, though quite aware of its importance, rather than that the arbitration should be put in peril.

I have felt it necessary to enter at some length upon an exposition of the views of my Government upon this question, because of its great gravity and of the serious consequences which might result from a failure of the two governments to agree respecting it, and because of the earnest desire of my Government to reach a mutually satisfactory settlement. I deem it proper, however, to add in conclusion that the

Government of the United States has entire confidence in its ability to maintain its position in the controversy submitted to the Tribunal of Arbitration; but to this end it must be afforded the benefit of those substantial safeguards against the introduction of error which the judicial systems of all nations so carefully secure and which were designed to be secured by the provisions of the Treaty. In the absence of such safeguards no party to a judicial proceeding can be confident of the protection of his rights; indeed, a trial of a question of right when one party has no opportunity of meeting and answering the allegations and evidence of the other does not deserve the name of a judicial proceeding.

I have the honor to be, with high consideration, your obedient servant,

JOHN W. FOSTER.

Lord Rosebery to Mr. Herbert.

(Handed to Mr. Adee by Mr. Herbert, October 25, 1892.)

(No. 234.)

CONFIDENTIAL.]

FOREIGN OFFICE, *October 13, 1892.*

SIR: I have received your dispatch, No. 270, of the 28th ultimo, inclosing a copy of the note addressed to you by the United States' Secretary of State on the 27th September last respecting the Behring Sea Arbitration.

Its contents, the general purport of which you had previously conveyed to me by telegraph, have received the attentive consideration of Her Majesty's Government, and it appears to them to be necessary to examine its various contentions in some detail.

Mr. Foster states:—

(1) That the President "has observed with surprise and extreme regret that the British Case contains no evidence whatever touching the principal facts in dispute upon which the Tribunal of Arbitration must in any event largely, and in one event entirely, depend. No proof is presented upon the question submitted by the Treaty concerning the right of property or property interest asserted by the United States in the seals inhabiting the Pribilof Islands in Behring Sea, or upon the question, also submitted to the Tribunal of Arbitration, concerning the concurrent regulations which might be necessary in a certain contingency specified in the Treaty."

(2) Mr. Foster goes on to affirm that the Treaty provides for the submission of evidence only through the Cases and Counter Cases therein mentioned, and he infers that the view taken by the British Agent must be "that he may incorporate such proof and evidence in the Counter Case to be prepared by him, leaving the United States without any means of contradicting, limiting, or qualifying them, however open they may be to contradiction, limitation, or qualification."

The Government of Her Britannic Majesty can not admit that there is any foundation for these complaints, which seem to be based upon a construction of the Treaty which, in their belief and in the opinion of their advisers, is erroneous.

The scheme of that Treaty provides that the five questions submitted in Article VI should be kept distinct from, and that the decision thereon should be prior to, the consideration of any question of concurrent regulations, which consideration would only become necessary in the

event of the five points being decided unfavorably to the claim of the United States. The sixth Article requires that a distinct decision shall be given on each of these points, while the seventh Article provides that "if the determination of the foregoing questions as to the exclusive jurisdiction of the United States shall leave the subject in such position that the concurrence of Great Britain is necessary to the establishment of regulations for the proper protection and preservation of the fur-seal in, or habitually resorting to, Behring Sea," the Arbitrators shall *then* determine what concurrent regulations are necessary, and that "to aid them in that determination, the report of a joint commission, to be appointed by the respective governments shall be laid before them, with such other evidence as either Government may submit."

It will be noted that the seventh Article of the Treaty refers only to the report of a joint commission, and it is by the ninth Article alone provided that the joint and several reports and recommendations of the Commissioners may be submitted to the Arbitrators, "should the contingency therefor arise."

The event, therefore, on the happening of which the report or reports and further evidence are to be submitted is thus indicated by the Treaty; that event being the determination of the five points submitted in the sixth Article unfavorably to the claim of the United States, and so that the subject is left in such a position that the concurrence of Great Britain is necessary for the purpose of establishing proper regulations.

It will be noticed further that the inquiries of the commissioners are confined by articles VII and IX to the question of regulations, and have no reference to the points raised by Article VI.

It is clear, therefore, that by the Treaty it was intended that the report or reports of the Commissioners should be produced, not as part of the Case upon the questions stated in Article VI, but at a later stage, and then only in the contingency above referred to.

With regard to point 5 of Article VI, the Government of Her Britannic Majesty, believing that the alleged "right of property or property interest" depends upon questions of law, and not upon the habits of seals and the incidents of seal life, have stated propositions of law which in their opinion demonstrate that the claim of such right is not only unprecedented, but untenable. These propositions will be found at pages 135 to 140, 153 to 157, and propositions 15, 16, and 17, on page 160 of the Case of this Government.

This being the view of the Government of Her Britannic Majesty, it would have been altogether inconsistent with it and indeed, as they conceive, illogical and improper to have introduced into the British Case matter which, in the opinion of Her Majesty's Government, can only be legitimately used when the question of concurrent regulations is under consideration.

The Government of Her Britannic Majesty therefore reserved, and in their opinion rightly reserved, until the time contemplated by articles VII and IX of the Treaty, the consideration of the question of concurrent regulations should the contingency therefor arise, and Her Majesty's Government protest against the introduction at this stage of facts touching seal life, which they contend afford no support to the exclusive rights claimed by the United States, which were the original cause and formed the first object of this arbitration.

With regard to the allegation that the United States will have no means of contradicting, limiting, or qualifying the proof and evidence adduced in the British Counter Case, the Government of the United States appear to have overlooked the provision of article VII, by which

with reference to the question of the concurrent regulations, express permission is given to each government to submit other evidence.

These are the views of the Government of Her Britannic Majesty, and they must maintain their correctness. But the Government of the United States have expressed a different view; they have taken the position that any facts relevant to the consideration of concurrent regulations should have been included in the Case on behalf of Her Britannic Majesty presented under article III, and that the absence of any statement of such facts places the United States at a disadvantage. The Government of Her Britannic Majesty, while dissenting from this view, are desirous in every way to facilitate the progress of the arbitration, and are therefore willing to furnish at once to the Government of the United States and to the arbitrators the separate report of the British Commissioners, with its appendices. The Government of the United States are at liberty, so far as they think fit, to treat these documents as part of the Case of the Government of Her Britannic Majesty.

Her Britannic Majesty's Government must, however, reserve to themselves the right of dealing in its Counter Case, or at later stages of the proceedings, as contemplated by the Treaty, with the questions which have been raised in the Case of the United States. It must also be understood that Her Britannic Majesty's Government reserve to themselves the right of objecting to the introduction in the consideration of the five points submitted by the sixth article of the Treaty of matter which they contend to be irrelevant and which they consider to have been improperly introduced in that connection.

The Government of Her Britannic Majesty have observed with surprise a suggestion, contained in the concluding paragraphs of Mr. Foster's note, that they have derived an advantage in "making up the report of its Commissioners," by being first provided "with that of their colleagues representing the other government in respect to those points upon which they have failed to agree." This advantage Mr. Foster further characterizes as important. The Government of Her Britannic Majesty had taken a different view as to the functions of the Commissioners from that apparently taken by the Government of the United States. Her Majesty's Government had regarded them as independent and free from control in the preparation of their report, and the duty of strict impartiality will be found to have been specially impressed upon them in their instructions.

The report and appendices, in the words in which they are now presented to the United States, were printed on the 21st June, 1892, and laid before the Queen in pursuance of Her Majesty's Commission.

As the time for the delivery of the Counter Cases has now been extended by sixty days, the Government of the United States will probably concur in thinking that ample time will be afforded to that Government for dealing fully with the report, but the Government of Her Britannic Majesty would be prepared to concur with the United States Government in agreeing to a further extension of time, should the United States Government require it.

You will deliver to Mr. Foster a copy of this dispatch, as forming the answer of Her Majesty's Government to his note of the 27th ultimo, and you will present to him at the same time the accompanying copies of the volume containing the report of the British Commissioners.

Copies of the volume will be forwarded to each of the arbitrators, and Her Majesty's Government propose also to forward to them copies of Mr. Foster's note and of this dispatch.

I am, etc.,

ROSEBERRY,

Mr. Foster to Mr. Herbert.

DEPARTMENT OF STATE,
Washington, November 9, 1892.

SIR: I had the honor to receive through you, on the 25th ultimo, a copy of Lord Rosebery's dispatch of the 13th of the same month, but an acknowledgment has been delayed for the reason that the interpretation placed by his lordship upon those provisions of the Arbitration Treaty of February 29, 1892, which relate to the mode of procedure, called, in the view of the President, for some response from the Government of the United States, and that this could be more intelligently framed after the copy of the report of the Bering Sea Commissioners made to Her Majesty's Government, and which Lord Rosebery expressed a willingness to furnish to the Government of the United States, had been examined and the extent to which that report would affect the Case theretofore prepared on behalf of Her Majesty's Government was more precisely known.

This report having been furnished to the Government of the United States and carefully examined, I now proceed to state the views entertained by this Government upon the interpretation of the Treaty in the particulars above mentioned by Lord Rosebery. That interpretation has been considered with the care which its character demands, and I am constrained to say that I can not concur in it. It appears that, according to the view of Lord Rosebery, all matters relating to the nature, habits, and life-history of the fur-seals, and the modes by which they are taken and killed, that is to say, substantially, all the matters upon which questions of fact arise between the parties, are relevant only to the question of concurrent regulations, and not to the claim of a property interest asserted by the United States.

If this view be correct it follows that the treaty makes no provision by which the allegations and proofs of the one party upon controverted questions of fact may be met, considered, and overcome by the other. Lord Rosebery himself is able to point to no provision affording to the parties an opportunity so essential to the preservation of their just rights, except that contained in article VII, which declares that, in the event that the arbitrators are called upon to consider the subject of concurrent regulations, "the report of a joint commission to be appointed by the respective governments shall be laid before them, with such other evidence as each government may submit." If this clause were to be interpreted as permitting the parties to lay before the arbitrators evidence pertinent to the subject of concurrent regulations *after* the exchanges of the Cases and the Counter Cases (a view to which the United States does not assent), it certainly makes no provision for the furnishing of such evidence *by the one party to the other*, which the United States insist upon as the essential condition for the establishment of truth upon the disputed questions of fact.

When we observe the industrious care with which the Treaty provides for the furnishing of Cases and Counter Cases, the first designed to contain the allegations and proofs by which the respective parties may wish to support their contentions, and the last to enable them to meet and overcome the proofs adduced by their adversaries, is it possible to doubt that this provision was intended to cover the case of disputed matters of fact?

I will not repeat the argument urged in my note of September 27, designed to show the unreasonableness of imputing to the framers of the Treaty an intention so incompatible with the essential conditions of a judicial proceeding as that which appears to be attributed to them

by Lord Rosebery; but again calling the attention of Her Majesty's Government to the views expressed in that note, I venture to suggest for the consideration of Lord Rosebery that when it appears by the treaty that industrious care was taken to secure to each party to the controversy a knowledge beforehand of the allegations and proofs of the other, to the end that a contest might be the more intelligently made and the real truth more fully and certainly established, it is not a sound method of interpretation to nullify the effect of that intent by attaching large importance to the mode in which particular clauses of the document are expressed. It would seem to be more consonant with reason and with the familiar principles of the interpretation of written documents in such cases, to dispose of any ambiguous language in particular clauses by a reconciling construction which will permit the known intentions of the framers of the document to have their effect.

Applying this rule of interpretation to the case in question, I am of the opinion that the particular expressions upon which Lord Rosebery relies have nothing in them inconsistent with the plain intention of the framers of the Treaty, as manifested by the main provisions above referred to. So far as the particular language of Article VII is concerned two observations are to be made:

First. Interpreting this language as it stands in the Treaty, and without referring to any fact *aliunde*, it appears to be equally consistent with either view. The point at which the Commissioners [Arbitrators] are to consider the matter of concurrent regulations is fixed; but neither the time nor the point at which the report or other evidence is to be laid before them is fixed. The intention may just as well have been that this should be done in the Cases, and furnished by the parties to each other. It is a frequent occurrence in judicial controversies that cases present alternative aspects. Such instances do not call for separate hearing and decision; but the evidence bearing upon each view is submitted at the outset, although it is well understood that in certain contingencies parts of the allegations and proofs will not be considered.

Second. As a matter of fact, what now stands as Article VII of the Treaty was, in the same language, part of an agreement entered into by the diplomatic representatives of the two nations before the treaty was concluded, and before the provisions in relation to the exchange of Cases were framed. It is easy, therefore, to see that all that was necessary at the time the Article was first framed and agreed upon was to provide for the laying before the Arbitrators of their report and other evidence, leaving the details of when and how such evidence should be seasonably furnished by the respective parties to each other to be thereafter settled in framing other provisions of the Treaty.

Touching the language of Article IX, relating to a contingency in which it is contemplated that the reports might not be laid before the Arbitrators, and which contingency Lord Rosebery supposes to be that of a determination by the Arbitrators upon the five special questions submitted to them adverse to the United States, I beg to submit that Lord Rosebery is clearly in error. The substance of Article IX was also embraced in the agreement above referred to, which preceded the treaty and created the Joint Commission. Although at this time it was contemplated that an arbitration should be provided for, it was yet hoped by the negotiators on each side that a satisfactory scheme of protection would be agreed to by the Joint Commission.

The contingency referred to was that of an inability of the members of the Joint Commission to come to an agreement satisfactory to their respective Governments, and not as Lord Rosebery supposes that of a

determination upon the five special questions adverse to the contention of the United States. A communication from Mr. Blaine, one of the negotiators, is appended hereto showing the circumstances under which the antecedent agreement was made. It is believed that Sir Julian Pauncefote, the negotiator on the part of Her Majesty's Government, will not dissent from this statement.

For the above reasons I can not concur in the reasoning of Lord Rosebery based upon a special consideration of the language of particular clauses of the Treaty. If his interpretation of the Treaty is correct, the whole matter of the submission of evidence and of argument as to matters affecting the question of regulations is, as I have already suggested, left without any prescription of methods or limitations as to time. In view of the care taken in these particulars in the Treaty as to the Case and Counter Case and argument, it is not to be supposed that such an omission would have occurred. The provisions made were plainly intended to cover all matters submitted. I am clearly of the opinion that the clauses cited by Lord Rosebery, when properly examined in connection with the circumstances under which they were framed, contain nothing inconsistent with the plain general intention of the Treaty to secure to each party an opportunity to meet and overcome the allegations and proofs of his adversary upon disputed questions of fact; and even if these clauses should seem to contain matter furnishing some support to the views expressed by Lord Rosebery, a familiar rule of law would require us to subordinate the inference they may suggest to the main purpose of the parties.

It is a matter of frequent occurrence where agreements come before judicial tribunals for interpretation that incongruities are found between those parts of a writing which express the main purpose of its framers and those which relate to subordinate details. Such incongruities are always disposed of by a reconciling construction which secures the main object which the parties had in view.

I entirely agree to the observation of Lord Rosebery to the effect that the right of property in fur-seals depends upon questions of law; but I conceive that the precise questions of law can not be known, and can not therefore be determined, until the facts out of which they arise are known; and I can not concur with Lord Rosebery in the view which appears to be entertained by him that the facts concerning the nature and habits of fur-seals and the modes by which their increase may be made subservient to the uses of man without endangering the existence of the stock, are not pertinent to the claim of the United States to a property interest. On the contrary I regard these facts as in the highest degree important.

Having thus expressed the views entertained by the Government of the United States upon the argument of Lord Rosebery in support of his interpretation of the Treaty, it remains for me to add that I am instructed by the President to say that he appreciates the spirit of equity and liberality in which Lord Rosebery, while insisting upon his own interpretation, practically, to some extent at least, and I hope fully, yields to the Government of the United States the benefit of its interpretation, by furnishing to the latter the separate Report of Her Majesty's Commissioners, with the permission that the same be treated as part of the original Case on the part of Great Britain. If, as I believe and assume, this Report contains substantially all the matter which Her Majesty's Government will rely upon to support its contentions in respect to the nature and habits of fur-seals and the modes of

capturing them, I entertain a confident hope that all further difficulty upon the questions discussed in this note may be avoided.

I deem it necessary, however, to say that the Government of the United States will, should occasion arise, firmly insist upon its interpretation of the treaty and that it reserves the right to protest against and oppose the submission to, and reception by, the Arbitrators of any matter which may be inserted in the British Counter Case, which may not be justified as relevant by way of reply to the Case of the United States.

The President is further gratified by the readiness manifested by Lord Rosebery to concur with the Government of the United States in respect to such extension of time as may be needed in dealing with the Report, of which he has furnished a copy. This friendly offer will be communicated to the Counsel on behalf of the United States, and their wishes will be made known to your Legation or the British Agent.

I have the honor to be, with the highest consideration, sir, your obedient servant,

JOHN W. FOSTER.

[Inclosure.]

Mr. Blaine to Mr. Foster.

17 MADISON PLACE,
Washington, November 8, 1892.

SIR: After an arbitration had been resolved upon between the American and British Governments, a special correspondence between the Department of State and Lord Salisbury ensued, extending from early in July to the middle of November, 1891. The various subjects which were to be discussed and the points which were to be decided by the Arbitrators in the affair of the Bering Sea were agreed upon in this correspondence.

A month later Sir Julian Pauncefote, the British Minister, and myself arranged the correspondence and reduced the propositions and counter-propositions to a memorandum which was signed by us on the 18th of December. Subsequently the questions which had arisen between the two Governments concerning the jurisdictional right of the United States in the waters of the Behring Sea were expressed in the form of a treaty concluded at Washington on the 29th February, 1892. This treaty was advised by the Senate on March 29, 1892, ratified by the President on April 22, ratifications exchanged on May 7, and proclaimed on May 9, 1892.

In all these steps, including the correspondence with Lord Salisbury, the memorandum concluded between Sir Julian and myself, and the treaty that was ultimately proclaimed on the 9th May, 1892, and which was negotiated by Sir Julian and myself, not one word was said or intimated respecting the question now raised by the British Government as to a secondary submission of evidence after the first five points set forth in Article VI had been decided by the Arbitrators. It was never intimated that any other mode of proceeding should be had than that which is expressed in Articles III, IV, and V of the treaty.

I shall be surprised if Sir Julian Pauncefote shall differ in the slightest degree from this recital of facts.

I have the honor to be, sir, your obedient servant,

JAMES G. BLAINE.

COMMUNICATIONS FROM THE AGENT OF THE UNITED STATES
TO THE AGENT OF GREAT BRITAIN.

IN RELATION TO ERRONEOUS TRANSLATIONS OF CERTAIN
RUSSIAN DOCUMENTS REFERRED TO IN THE CASE OF
THE UNITED STATES.

Mr. Foster to Mr. Tupper.

WASHINGTON, *November 2, 1892.*

SIR: I deem it my duty to bring to your attention, without delay, the fact that it has been discovered by me that a number of the documents belonging to the archives of the Territory of Alaska, now in the possession of the Department of State, and referred to in the Case of the United States before the Tribunal of Arbitration delivered to you on September 1 last, were incorrectly translated from the Russian language in which the originals appear. Lithographic reproductions of the original documents are to be found in Volume I of the Appendix to the Case of the United States, following page 591, and English translations of the same are given in Volume I, pages 49 to 90. It has within the last few days been ascertained that some of these translations are incorrect, but to what extent I have not yet been able accurately to determine. A thorough examination is now being made, and at the earliest practicable date I shall furnish you with revised and corrected translations and indicate the pages in the Printed Case of the United States where the erroneous translations have been quoted or referred to. I have, however, not been content to await the result of that examination, and I hasten to inform you of the above fact, and to assure you that this announcement shall be followed by a more detailed statement with as little delay as possible.

The nature of the errors referred to seem to make it certain that the Government of the United States has been grossly imposed upon by a person employed on the work of translation. What the motive for such imposition may have been I have no knowledge, and I forbear from any mention of my suspicions.

I have the honor to be, with the highest respect, your obedient servant,

JOHN W. FOSTER,
Agent of the United States.

Mr. Foster to Mr. Tupper.

WASHINGTON, November 19, 1892.

SIR: Under date of the 2d instant I advised you that I had discovered that a number of documents belonging to the archives of Alaska and referred to in the Case of the United States before the Tribunal of Arbitration were incorrectly translated from the Russian language; and I promised to give you at the earliest practicable date a detailed statement of the erroneous translations and to indicate the pages in the Case of the United States where they are quoted or referred to.

Before complying with that promise I deem it due to my Government and to myself to state the circumstances under which these translations were introduced into the Case of the United States. When I entered upon the work of preparing the same I learned that there existed in the archives of the State Department a large collection of documents entirely in the Russian language, which had been turned over by the Russian authorities in the Territory of Alaska at the time of the transfer of that Territory to the United States, in accordance with the treaty of cession of 1867. These documents I found to be unclassified and without indices. Desiring to ascertain whether they contained any information relevant to the work I had in hand, I made inquiry for a competent person to undertake the needed research. After considerable investigation my choice fell upon Ivan Petroff. I learned that he was a native Russian, educated in St. Petersburg, that he had several times visited Alaska as an agent of the United States Government and had been in the employ of this Government for several years in responsible positions. He was represented to me as an accomplished linguist and the best-informed person obtainable in the Russian language and history, and I was also told that he had performed a large part of the labor in the compilation of H. H. Bancroft's History of Alaska. Having entire confidence in his capacity and integrity, I intrusted to him the examination of the Alaskan archives, with the result shown in the use made of them in the Case of the United States and Volume I of its Appendix.

Only a few weeks ago my suspicion was for the first time aroused as to the correctness of some of the passages translated by Petroff, and a careful examination has revealed an astounding series of false translations. As soon as I was prepared to do so, I brought Petroff into my presence and confronted him with the proofs of his infidelity and false translations. The evidence of his dishonest conduct being overpowering, he acknowledged his guilt in the presence of witnesses and signed a full confession, of which I inclose you herewith a copy certified to by the witnesses. The only motive which he has alleged for his conduct is that he supposed by making the false translations and interpolations he would so ingratiate himself into favor and impress upon this Government the importance and value of the Alaskan archives as to secure his employment to classify, translate, and index that voluminous collection of documents.

In making this explanation I desire again to direct attention to the fact mentioned in my note of the 2d instant that photolithographic reproductions of all the original documents, of which translations were cited or made use of, were introduced in Volume I of the Appendix to the Case of the United States, following page 593, and that the British Government and its representatives were thus furnished with the means of testing the correctness of the translations.

I now desire to give notice as agent of the United States that I do hereby formally withdraw from the Case of the United States in their entirety the original Russian documents hereinafter designated. These documents are included in those referred to in the footnote to page 41 of the Case of the United States, of which translations are given in Volume I of the Appendix to said Case, at pages 49 to 90, and facsimiles in the same Volume following page 593.

Number of document withdrawn.	Where cited in case of the United States.
	<i>Pages.</i>
1.....	43, 44
2.....	45, 46, 47
3.....	47, 48
4.....	48, 49
5.....	Not cited.
6.....	44, 45
7.....	Not cited.
8.....	41
9.....	42
10 and inclosure.....	53, 54, 60
12.....	60
15.....	62
Inclosure to No. 29.....	103, 104

I inclose herewith revised translations of those of the Russian documents hereinbefore referred to which are retained in the Case of the United States, and beg to direct attention to the following pages of this Case, on which there appear falsified translations of portions of these documents:

On page 61, of document No. 14.

On pages 54, 55, of document No. 14, inclosure.

On pages 62, 66, of document No. 16.

On page 67, of document No. 17.

On page 67, of document No. 20.

I have to advise you that I will send without delay to each member of the Tribunal of Arbitration duplicate copies of my note to you of the 2d instant and of the present note, and further that a proper correction of the errors inserted in the Case of the United States will be made in the Counter Case and the correspondence relating thereto included in its Appendix.

I have the honor, with this opportunity, to renew to you the assurances of my highest consideration.

JOHN W. FOSTER,
Agent of the United States.

[Inclosure No. 1.]

WASHINGTON, November 11, 1892.

Hon. JOHN W. FOSTER,
Department of State:

SIR: You employed me during the past summer to examine the Alaskan records or archives on file in the State Department, with a view to ascertaining whether they contained information which would be of use in the Bering Sea Arbitration. Upon my recommendation you ordered that certain of these records be translated. I hereby ac-

knowledge that I misled you in important particulars as to their contents, and that in making the translations I was guilty of gross inaccuracies and interpolations, amounting to falsification.

IVAN PETROFF,
Translator.

Witnesses to signature:

W. WILLIAMS.

JOHN H. HASWELL.

We hereby certify that we are the witnesses above named and that the foregoing is a full and true copy of the original document to which we signed our names as witnesses.

WASHINGTON, D. C., *November 11, 1892.*

W. WILLIAMS.
JOHN H. HASWELL.

[Inclosure No. 2.]

CORRESPONDENCE RELATING TO THE AFFAIRS OF THE RUSSIAN AMERICAN COMPANY.

[AMENDED TRANSLATIONS.]

No. 11.

Letter from the Minister of Finance (Department of Manufactures and Internal Trade) to the board of administration of the Russian American Company. Written from St. Petersburg April 2, 1824.

I have had a communication from the minister in charge of the Ministry of Foreign Affairs in regard to the representation made by the board of administration, dated February 11, 1824, No. 73, concerning the permission to foreign vessels to enter the harbor of New Archangel for the purpose of trading with the chief manager of the Russian American Company only, in order to procure articles which are absolutely necessary.

Count Karl Vasilevitch has informed me that he has made a report on this subject to His Majesty the Emperor, and "that His Majesty, finding that the reasons which induced the board of administration of the Russian American Company to desire the renewal of the trade which formerly existed in our colonies with foreigners are deserving of consideration, has been pleased to command that the carrying on of trade with foreign vessels arriving there be permitted in accordance with established regulations at one designated port."

In notifying you of this permission of His Majesty the Emperor, I suggest that the board of administration, on its part, make the necessary arrangements to accomplish this object.

Lieut. Gen. KANKRIN,
Minister of Finance.
SERGEI UVAROF,
Director.

No. 13.

Letter from the Minister of Finance to the board of administration of the Russian American Company. Written from St. Petersburg September 4, 1824.

The communication of June 12, 1824, presented to me by the directors of the company, containing their remarks on the consequences which may result from the ratification of the convention concluded April 5, 1824, between our Court and the North American Republic, was communicated by me at that time in the original to the minister in charge of the Ministry of Foreign Affairs. Having now received from him the information that the recorded protocol of the proceedings of the special committee which examined this subject by imperial order has received the full and entire approval of His Imperial Majesty, I think it necessary to communicate to the board of administration of the Russian American Company, for their information, copies of the above-mentioned communication of Count Nesselrode to me, and also the proceedings of the committee of July 21, 1824, inclosed in it, together with a draft of a communication to me, prepared by His Excellency; which was also read in the above-named committee and was left unsigned after it had been given final consideration.

From these documents the board will see that, for the avoidance of all misunderstandings in the execution of the above-mentioned convention, and in conformity with the desire of the company, the necessary instructions have already been given to Baron Tuyll, our minister at Washington, to the effect that the northwestern coast of America, along the extent of which, by the provisions of the convention, free trading and fishing are permitted subjects of the North American States, extends from 54° 40' northwards to Yakutat (Bering's) Bay.

Lieut. Gen. KANKRIN,
Minister of Finance.

Y. DRUSHININ,
Director.

No. 14.

Abstract of communication from Count Nesselrode, Minister of Foreign Affairs, to the Minister of Finance. Written from St. Petersburg August 18, 1824.

I deem it my duty to inform your excellency that His Majesty the Emperor has been graciously pleased to give his full and entire approval to the opinion of the majority of the members of the committee appointed by His Majesty to examine the observations presented by the Russian American Company on the convention of April 5-17 of this year, in which opinion your excellency was also pleased to concur.

Therefore, in inclosing with this a copy of the protocol of the deliberations of the committee, I have the honor to inform your excellency that instructions in entire conformity with the conclusions contained in that protocol have been sent to our minister, Baron Tuyll.

I also inclose with this a draft of a communication to your excellency, written by me by order of the Emperor, concerning the complaints of the Russian American Company.

I cherish the hope that this document will enable your excellency, in communicating to the company the resolution of His Imperial Majesty, to prove to it that the Government has never lost sight of its interests.

[Inclosure in No. 14.]

Proceedings of the conference held July 21, 1824.

Count Nesselrode opened the conference with a statement as to the present condition of the matter intrusted by His Majesty the Emperor to the investigation of the assembled committee.

He called attention to the articles of the treaty concluded with the minister of the United States concerning the northwest coast of America and to the remonstrances which had been made against that act by the Russian American Company in two letters communicated by the Minister of Finance to the Minister of Foreign Affairs. Finally, he presented a draft of a communication which he intended to forward to Lieut. Gen. Kankrin, in which were inclosed the replies of the minister of foreign affairs to the above-mentioned remonstrances. This draft, having been laid before His Majesty the Emperor, has received the imperial approval; but His Imperial Majesty imposes upon the members of the committee the duty of again examining it.

After the reading of this document (which is annexed to the present protocol, together with the two letters from the Russian American Company) the deliberations were opened. The members turned their chief attention to the causes of the fears expressed by the company, as well as to the reasons which spoke in favor of the convention concluded with the plenipotentiary of the Washington Cabinet; and also to the means which the imperial ministry thinks best calculated to prevent all injurious and unjust interpretations. The members of the committee agreed by a majority of votes to the following resolutions:

1. That the treaty of April 5-17 confirms to Russia rights which have hitherto been called in question; that by virtue of that treaty those rights are acknowledged by the Government which could dispute them with great advantage and violate them with great ease; that by it the undisputed possessions of Russia are henceforward extended even beyond those boundaries within which the Russian American Company was required under its original charter to carry on the trading privileges granted to it.

2. That since by this treaty the strict prohibition of the sale of arms, munitions of war, and spirituous liquors to the natives of the northwest coast is put into effect, the American Company acquires by it the protection which it has always valued so highly, but which it has hitherto never been able to obtain.

3. That this last provision is the more important, because such a prohibition, if promulgated on the part of Russia alone, would either draw upon her disagreeable consequences and the most unpleasant embarrassments, or would not accomplish its object, in consequence of the lack of means necessary for the prevention of its violation and for the repression of prohibited traffic.

4. That the treaty of April 5-17 contains another not less important guaranty, namely, that the Americans will not establish settlements on the northwest coast above 54° 40'. By this provision all the settlements hitherto founded by the Russian American Company above 57° are placed on a firm basis, and it is permitted to continue to found new ones under parallels farther to the south.

5. That it is not less advantageous to Russia to be assured by a mutual and amicable convention that after the expiration of ten years the subjects of the United States of America will abstain entirely from visiting the waters of the North American coast beyond $54^{\circ} 40'$ and from fishing and from trading there with the native inhabitants; for, on the one hand, it would be impossible to suppose that the States would voluntarily consent to such a concession without any compensation whatever, and, on the other hand, all the wishes expressed to the imperial ministry are thereby fulfilled after the expiration of a certain period.

6. That as regards the influence, however, which the treaty concluded April 5 might exert on the trade of Russia with China, it must be remarked that in this trade on both sides a capital of 50,000,000 roubles is invested, and that the Russian American Company participates in it only to the extent of 800,000 roubles, or thereabouts; that even if it brought to Kiachta a larger quantity of furs, otter skins, and sealskins, it would not be able to dispose of them, or would cause material injury to other exported goods by glutting with its merchandise a market which is already very limited, owing to the nature of its trade, and that consequently the treaty of April 5-17 can in no respect injure the trade of Russia with China.

7. That as the sovereignty of Russia over the coasts of Siberia and the Aleutian Islands has long been admitted by all the powers, it follows that the said coasts and islands can not be alluded to in the articles of the said treaty, which refers only to the disputed territory on the north-west coast of America and to the adjacent islands; that, even supposing the contrary, Russia has established permanent settlements, not only on the coast of Siberia, but also on the Aleutian group of islands; hence American subjects could not, by virtue of the second article of the treaty of April 5-17, land at the maritime places there nor carry on sealing and fishing without the permission of our commandants or governors. Moreover, the coasts of Siberia and the Aleutian Islands are not washed by the Southern Sea, of which alone mention is made in the first article of the treaty, but by the Northern Ocean and the seas of Kamchatka and Okotsk, which form no part of the Southern Sea on any known map or in any geography.

8. Lastly, we must not lose sight of the fact that by the treaty of April 5-17 all the disputes to which the regulations of September 4-16, 1821, gave rise are terminated, which regulations were issued at the formal and reiterated request of the Russian American Company; that those disputes had already assumed important proportions and would certainly be renewed if Russia did not ratify the treaty, in which case it would be impossible to foresee the end of them or their consequences. These weighty reasons impel the majority of the members of the committee to state as their opinion—

That the treaty of April 5-17 must be ratified, and that for the prevention of any incorrect interpretation of that act, Gen. Baron Tuyll may be instructed at the proper time to make the declaration mentioned in the draft of the communication read by Count Nesselrode. The Minister of Finance and Acting State Councilor Drushinin, while admitting the necessity of ratifying the treaty of April 5-17, express and place on record the special opinion hereto annexed in the protocol, to the effect that Baron Tuyll should be instructed at the exchange of the ratifications of that treaty to stipulate that the right of free hunting and fishing granted by the twelfth article of the said treaty shall extend only from $54^{\circ} 40'$ to the latitude of Cross Sound.

The majority of the members of the committee could not but observe, on the one hand, that, as the Russian American Company has founded many settlements in the said latitude, Article 2 of the treaty of April 5-17 gives it the desired security on this subject; that even if it had simply organized hunting and fishing in those regions it is extremely doubtful whether American subjects would undertake the expense necessary for voyages to those northern latitudes, in which they can enjoy their privileges for only ten years, and whether in that case they would expose themselves to dangerous competition and would visit those waters for hunting and fishing, where they had long been anticipated by the company, as there would be little hope for them of indemnifying themselves for their expenses and losses.

But seeing, on the other hand, that the restrictions stated in the the opinion of the Minister of Finance and of State Councilor Drushinin put an end to all the complaints of the American Company, the majority of the members of the committee have found it necessary to investigate the nature of those restrictions, in order to ascertain how far it is possible to insist upon them without prejudice to the rights and advantages accruing from the treaty of April 5-17.

As the proposed restrictions refer to two chief points lying under different parallels of latitude, namely:

First. To Yakutat (Bering's) Bay, under parallel 59° 30'.

Second. To Cross Bay or Sound (Cross Sound) under parallel 57°—the American Company desires that subjects of the United States may not be permitted to hunt or fish in those bays; therefore, the majority of the members of the committee resolve:

That, as regards the first of these points (Bering's Bay), it lies in a latitude where the rights of Russia have never formed a subject of dispute, and that this important circumstance permits us to include it in the general declaration concerning the Aleutian Islands and the other northern places.

That, as regards the second (Cross Sound), however, as it lies under the fifty-seventh degree of north latitude, and consequently within the limits of those islands and regions to which Russia's right of sovereignty has been disputed, it is impracticable to apply the same rule or to base the claim, of which it must be the subject, on any other satisfactory proof.

That apart from this, in order to exhaust all the measures showing the care of the Government of His Imperial Majesty for the interests of the Russian American Company, it is still possible to instruct Gen. Tuyll to use every effort to persuade the Washington Cabinet that, by accepting this restriction relating to Cross Sound, it will prevent all unpleasant collisions between the subjects of the two powers. That Gen. Tuyll must not, however, make this last proposition until he is convinced that it will be accepted, and that it will not deter the Government of the United States from ratifying the treaty of April 5-17.

This resolution was unanimously adopted by all the members of the committee.

St. Petersburg, July 21, 1824.

NESSSELRODE.
G. L. KANKRIN.
SPERANSKY.
DRUSHININ.
POLETICA.

No. 16.

Letter from the board of administration of the Russian American Company to Captain of the Imperial Navy of the Second Rank Alexander Ilitch Rudakof, acting chief manager. Written from St. Petersburg March 20, 1853.

From the dispatches of the board of administration, dated April 12 and November 16, 1851, Nos. 525 and 1478, and those of April 2, May 13, and September 25, 1852, Nos. 447, 682, and 1219, your excellency will see that it has been one of the chief aims of the board of administration to make the best possible arrangement of the voyages of the vessels of the colonial fleet, since of late that arrangement has been made without sufficient reference to the true interests of the company, and hence some vessels have frequently been kept lying idle in port, and others have received such confused instructions that they would often be unable to execute them all, or would return to New Archangel at the very latest and most dangerous time of the year.

Bearing in mind the fact that the approaching voyages of the colonial fleet are well arranged, and that they are repeated every year with only slight variations, the board of administration has found it possible and expedient to establish a regular schedule for the voyages of the colonial fleet, for the navigation of both the summer and winter months, and to transmit it to the colonial government for its guidance and execution, leaving it, however, to the discretion of the chief manager of the colonies to deviate from this schedule on those occasions when, owing to local and unforeseen circumstances, it appears to the interest of the company to do so.

In the performance of the voyages of 1853 in the colonies there will be employed eight sailing vessels, of which the following are of the first class: The *Cesarevitch*, the *Nicholas I*, the *Kadiak*, and the *Shelekoff*; and the following of the second class: The *Menshikoff*, the *Constantine*, the *Okotsk*, and the *Tungus*; and, as in exchange for the ship *Cesarevitch*, which has to be sent back from the colonies in 1853, the ship *Sitka*, of 700 tons, which is now being built, will enter into the composition of the colonial fleet of 1854 and will be sent to New Archangel in 1853. In the establishment of constant communications around the world the number of the company's vessels in the colonies will always remain the same, that is to say, in the summer months, from April to October, there will be eight, and from October to April seven vessels, without counting the whaling vessels, the number of which, by rough estimate, will be increased to four.

Hence the movements of the colonial fleet during the summer navigation, beginning in 1854, may be arranged in the following manner:

I. One vessel of the second class—for instance, the brig *Constantine*—must be dispatched from Sitka about the middle of April with supplies for the island of Atka, or Atta, and for the Kurile district, to bring goods from those islands to Ayan, where the vessel must arrive not later than the middle of July. By this same vessel there may be dispatched and landed the company's agents sent for inspection to Kamchatka, where the vessel can stop on its passage from the Atka district to the Kurile district, without losing much time, at the most important period for the Kamchatka trade, the middle of May; that is to say, by the time of the arrival there of the vessel coming around the world.

On arriving at Ayan this vessel will be placed at the disposal of the governor of the port of Ayan to maintain communication with Petrovsky, and in future, until a vessel has been built specially for that port,

for voyages with merchandise and for trade with Gishig and the other ports of the Sea of Okotsk. At the end of August, or early in September, this vessel will be sent back with the dispatches last received and with goods for the Kamchatka trade, and will return to New Archangel, stopping on its way only in the Kurile district, if it has landed an inspector there, and at the port of Petropaulovsky.

II. One vessel of the first class, preferably the one which will come around the world from Europe that year, will be sent with the annual cargo of goods and with the spring mail direct to Ayan. This vessel must be sent early in May, and in no event later than May 15, in order that it may arrive at Ayan by the time of the opening of the harbor at the end of June. On this vessel there must be sent to the port of Ayan passengers, if there are any, salt, flour, and other cargo, specially for that port and for the places dependent upon it. This vessel will remain at Ayan until the end of July or the early part of August and will return direct to New Archangel with the Siberian cargo, the principal mail, and with passengers, if there should be any. During the stay of this vessel at the port of Ayan the governor of that port must be allowed, on extraordinary occasions, to employ it for the transportation of men and goods to Petrovsky, and therefore instructions in conformity with this must be given to the captain of this vessel.

III. A second-class vessel, a fast sailer—for instance, the ship *Menshikoff*—with a naval crew and under the command of a naval officer, will be sent at the end of April to cruise and to keep a watch over the foreign whaling vessels in the southern part of Bering Sea and along the Aleutian group. On this vessel will be sent supplies for Copper and Bering islands, and also for Atta, or Atka, if it is found necessary and does not interfere with the movements of the first small vessel (section 1 of this dispatch). On this vessel, also, in case of necessity, there will be sent inspectors to the above-mentioned islands, and goods will be taken on it from there to New Archangel. This vessel must be kept continually cruising throughout the district assigned to it, and may go into port, for a very short time only, for supplies of wood and water. This cruiser must visit the above-mentioned islands not less than twice every year; the first time for the delivery of supplies, mails, and inspectors, and the second time to take on board goods, reports, and inspectors. This cruiser must be strictly forbidden to await the termination of the inspection in port, as has formerly been done, and if one and the same person is instructed to inspect two islands, it will be better to order the cruiser to visit those islands once more rather than lie idle in port. The time fixed for the termination of the company's cruising is that at which the foreign whalers leave Bering Sea, viz, the last part of August or the beginning of September.

IV. The third and fourth vessels of the second class, namely, the *Okotsk* and the *Tungus*, will be designated to carry supplies to the forts and islands of the Kadiak district and to the island of Inga, and to bring goods from them. For the better care of the Kadiak district a part of the supplies may be sent there by one of the large or small vessels early in the spring, in the month of March.

V. The second first-class vessel is intended to supply the islands of the Unalaska district, the Pribilof Islands, and Fort Michael, and for trading with the natives on the coasts of Bering Sea, as also on the coasts of Asia and America. As vessels may be sent to that region very late, this vessel, after taking in supplies for Fort Michael and the goods intended for trading with the savages may be dispatched somewhat earlier, and may also carry lumber and wood for the Pribilof

Islands and the Unalaska district when it may seem necessary. The supplies and papers for the above-named places may be delivered on the way there, and the furs and the replies may be received on the return voyage. As at the time of the voyage to the northern part of Bering Sea this vessel will also do duty as a cruiser to keep watch over the foreign whalers and the Englishmen, with regard to the trade carried on by them with our savages, it must in no event waste any time, and must be under the command of a naval officer, and, if possible, have a naval crew.

VI. The third first-class vessel will maintain communication with California and the Sandwich Islands, carrying there lumber and salted fish and bringing to the colonies salt and other merchandise if the purchase of such appears necessary and to the advantage of the company. This vessel must in no case waste any time in foreign ports, but must, immediately after delivering the cargo furnished, if there is no return cargo in readiness for it, return to New Archangel in ballast. But the colonial government must make every exertion always to have a cargo ready for immediate dispatch to California or the Sandwich Islands, guiding itself by information received from the company's agent at San Francisco. Short reports (on the most important subjects) must be sent by this vessel on every trip, to be forwarded to the board of administration.

VII. The fourth first-class vessel will remain in reserve and can be employed for carrying salt to Kamchatka in sufficient quantities to last several years; for transporting cargoes of lumber to California; for the inspection of the colonies by the chief manager, etc. In those years when it becomes necessary to send to the islands of the Atka district more lumber than can be carried by a small vessel, the voyage ordered in section 3 of this dispatch may be assigned to the large vessel, and the small vessel designated in that section may remain in reserve or receive special instructions.

* * * * *

In communicating to your excellency the above regular schedule of the voyages of the colonial fleet, the board of administration respectfully requests you, if the interests of the company require any deviation from this schedule, to take special care that the large vessels, so far as possible, may never remain idle in port, but may be perpetually engaged in voyages of advantage to the company; that the colonial seas, so far as possible, be visited in every part by the company's cruisers, for the purpose of keeping watch over the foreigners, and for this purpose, in giving instructions to our cruisers, to conform yourself to the intended movements of the company's whaling vessels, which can also do duty as cruisers if they are carrying on their fishery in Bering Sea, and to provide that the company's vessels designated for visiting the many islands of the colonies be, so far as possible, under the command of naval officers, in order that they may become acquainted with the condition of colonial affairs and may gradually fit themselves for performing the most important duties in the administration of the colonies.

V. POLITKOVSKY,
Presiding Officer.

V. KLUPFEL,
A. ETHOLIN,
N. KUSOF,
BARON WRANGEL,
Members of the Board.

No. 17.

Letter from Captain of the First Rank and Knight Ivan Vassilievitch Furuhelm, chief manager of the Russian American colonies, to Master Benzeman, of the imperial navy. Written from the colonies June 20, 1861.

To Master Benzeman, of the Imperial Navy, Commanding the Steamer Alexander the Second:

As soon as the steamer is quite ready to sail, I request your excellency to leave this port and to carry out the following instructions:

I. To proceed to the Kenai coal mines, and on your arrival there to hand the inclosed package to the governor, Master of the Mines Furuhelm, and to take on the steamer as much coal as the space occupied by your cargo permits.

II. From English Bay proceed to the island of St. Paul, whence, after landing your passengers, delivering the annual supplies, and taking on board the supplies for Fort Michael, you will proceed to that fort to deliver the supplies sent and to take in there such cargo as will be indicated to you by Governor Vachramesvoi.

III. Leaving Fort Michael, you will direct your course to the island of St. Paul, where you must immediately take on board a whole cargo of sealskins, supplies, oil, and seal meat, and, stopping on your way at the island of St. George to take on board goods and supplies which may be ready on the arrival of the steamer, you will proceed to Unalaska, and, after furnishing Governor Vlasoff, on his requisition, with supplies, oil, and seal meat, which you will bring expressly for that purpose from St. Paul, you will take in a cargo of such goods as may be ready at Unalaska and then proceed to New Archangel.

IV. During the time of your said visits to those places you will listen to all complaints which may be presented to you, and, without coming to any decision about them, you will report them to me on your arrival at New Archangel.

V. At Fort Michael two employés, Koshevnikoff and Makurin, will be presented to you by Governor Vachramesvoi for punishment for violation of Government regulations and for disobedience, and I therefore advise you to punish each of them with twenty-five lashes in the presence of the whole command of the fort.

VI. The bishop of New Archangel, Peter, will go by the steamer to inspect the missions in the north. I request you to show his reverence all due attention and to comply with all his wishes.

VII. During your stay at Fort Michael take on board the steamer as much wood as you possibly can and carry it to the island of St. Paul.

VIII. If the governors of the island present to you employés who have served their time for transportation from the colonies, you will receive them on board the steamer. The carpenter, Parfentef, must go from St. Paul to Sitka.

IX. It has come to my knowledge that two whaling vessels had been sent this year from San Francisco to trade on the Pribilof Islands. I therefore request your excellency, during the time appointed for your voyage, to do duty as a cruiser on the exact basis of the instructions* herewith inclosed, which have been approved by the Emperor.

I trust that you will execute the instructions given you to my satisfaction and that you will return without much loss of time.

A list of the crew and passengers of the steamer is herewith inclosed. The issue of rum to your command will be continued in accordance with existing regulations.

* They are not in the possession of the United States.

No. 18.

Letter from the Department of Commerce and Manufactures to the board of administration of the Russian American Company. Written from St. Petersburg June 19, 1865.

The Imperial Council, having considered the representation made by me with regard to the revision of the charter of the Russian American Company and the organization of the Russian American colonies, by its resolution approved by the Emperor June 14 of this year, has recommended—

That the following principal basis be adopted in the preparation of the new charter of the Russian American Company and of the colonial management.

I. The term of the privileges, rights, and obligations of the company extends to January 1, 1882.

* * * * *

VIII. The importation of all kinds of articles of industry and commerce by Russian and foreign vessels is made free at the ports of New Archangel, on the island of Sitka; at St. Paul, on the island of Kadiak; and hereafter at others where it will be found desirable (with the exception of spirituous liquors, powder, and arms).

IX. With regard to the importation of spirituous liquors and their sale in the colonies, and also the supplying the colonies with arms and powder, it is recommended that special regulations be adopted, which, without oppressing the inhabitants, will prevent the abuse of them, with all their injurious consequences.

* * * * *

XV. The prosecution of every kind of industry (except the fur industry) is permitted to all the inhabitants of the colonies and to all Russian subjects, without distinction or restriction.

In relation, however, to the fur industry—

First. To secure to the Russian American Company until January 1, 1882, the exclusive right to carry on the fur industry and the fur trade within the following limits only: On the peninsula of Aliaska, reckoning as its northern limit a line drawn from Cape Douglass, in Kenia Bay, to the head of Lake Imiamna; on all the islands lying along the coast of that peninsula; on the Aleutian, Commander, and Kurile islands and those lying in Bering's Sea, and also along the whole western coast of Bering's Sea; but to revoke in the district to the northeast of the peninsula of Aliaska along the whole coast to the boundary of the British possessions, also on the islands lying along this coast, including in that number Sitka and the whole Koloshian Archipelago, and also, on land, to the northern extremity of the American continent, the privilege granted to the company of the exclusive prosecution of the said industry and traffic.

Second. The colonial inhabitants and the settlers who are Russian subjects residing permanently in the colonies, are permitted to carry on the fur industry, in conformity with the special regulation which must be adopted for that purpose, in those parts of the Russian possessions where the exclusive right to the said industry is not reserved to the Russian American Company; all other Russian subjects are permitted only to trade with the natives in fur goods, and are not admitted to a share in the fur industry itself.

* * * * *

A true copy:

A. TIMKOVSKI,

Chief Clerk.

No. 19.

Concerning the granting of a fourth charter to the Russian American Company.

The Imperial Council in the Department of Imperial Economy and in general assembly, having examined the communication of the Minister of Finance on the subject of the revision of the charter of the Russian American Company and the organization of the Russian American colonies, has adopted the following resolution in modification and explanation of the principal bases of the new charter of the Russian American Company and the organization of the colonies, recited in the resolution of the Imperial Council, approved by the Emperor June 14, 1865:

1. (In clause 1.) That the period of twenty years for the duration of the new privileges, rights, and obligations of the Russian American Company be reckoned, not from January 1, 1862, but from the date of the confirmation of those privileges.

2. (In clause 15.) That the exclusive right of carrying on the fur industry and the fur trade be secured to the company throughout the extent of the colonial territory; at the same time, with regard to the carrying on of the fur industry, fixed regulations must be adopted, by agreement with the Minister of the Imperial Domain.

* * * * *

4. (In clauses 8 and 9.) That, while including in the new charter of the company the regulations concerning the opening of the ports of New Archangel, on Sitka Island, and St. Paul, in Kadiak, for free trade, those regarding the permission to carry on certain industries in the colonies generally, and those on the subject of the importation and sale of spirituous liquors in the colonies and the supplying them with arms and powder, the recommendations now presented by the company on this subject be adopted, without permitting, however, the commercial monopoly which the company has hitherto enjoyed to be continued in force under any pretext whatsoever.

* * * * *

YERMAKOFF,
Vice-Director.
K. RADETSKI,
Chief of Division.

True copy.

A. TIMKOVSKY.

No. 20.

Proclamation.

Notice is hereby given to all to whom it may concern that if, after reading this, they do not immediately leave Russian territory, and do not desist from prohibited traffic, they will, on the arrival of a Russian vessel, be seized and sent for trial to New Archangel, Sitka, and their merchandise and ships, if such are found, will be confiscated.

Given at the port of New Archangel, on the northwest coast of America, this 8-20 September, 1864.

No. 21.

Letter from the board of administration of the Russian American Company to Alexander Andreievitch Baranof, chief manager of the Russian American colonies. Written from St. Petersburg April 6, 1817.

In reply to your communication the board of administration incloses herewith an extract from the report of the Kiachta factory concerning the profitable trade in sealskins with the Chinese at Kiachta, and desires that you will make special efforts to send to Okotsk, for Kiachta, those kinds which are most acceptable to the Chinese. Do not send any sea-lion skins.

[Inclosure in No. 21.]

Report of the Kiachta office to the board of administration of the Russian American Company.

FEBRUARY 8, 1817.

This factory had the honor, on February 1, to receive the instructions of the board of administration of the company (No. 715, of December 14, 1816), in which the board was pleased to instruct us, in disposing of the sealskins received by the ship *Suvoroff*, to notice what kinds are prized more highly than others. In reply this factory has the honor to report that the sealskins received by the ship *Suvoroff* and by the *Constantine* were disposed of in a lot, but from the acceptance and demands of the Chinese it was observed that the 450 bachelors and young bulls brought by the *Suvoroff*, which were not even called Californias, are valued by the Chinese at half as much again as the grays. The bachelors brought by the *Constantine* were far better, as they value them at twice the price of the grays; and the bulls and young bulls received by the *Constantine* still higher than the bachelors, although the hair on them is coarse and not fit for use. They are large and on the flesh side are very good. They are of a yellowish-white color. The Chinese pull out the hair and only leave the down, which they dye, and they use them in that condition. The grays brought by the *Suvoroff* are very clean on the flesh side, but the fur is not long. They are thin and of less value than those received by the *Constantine*, which, although they are not clean on the flesh side, and although they have a paler color and reddish spots, are larger and have longer and thicker fur. Our friends have very sharp eyes for quality, and not less for size. They assort and measure them to an inch, and hence they value those brought by the *Constantine* more highly than those brought by the *Suvoroff*, both bachelors and grays. The sea-lion skins received by this factory were shown them, but, while they were very good on the flesh side, there was no down on them, and the hair was coarse, so that our friends will not take them at any price; and they only asked for two sea-lion skins, which they intend to carry to Kalgan for the purpose of experimenting with them and seeing whether they can not put them to some use.

DEMETRI KUZNETZOF,
Manager.

VASSILI JOUKOF,
Bookkeeper.

No. 22.

Letter from the board of administration of the Russian American Company to Captain of the First Rank and Knight Adolf Carlovitch Etholin, chief manager of the Russian American colonies. Written from St. Petersburg March 8, 1843.

The board of administration fully approves the arrangements for killing seals described by you in dispatch No. 287, of May 9, 1842, and permits you to institute on the Commander Islands and St. George the close season which you propose. In general, for the greatest possible preservation of this precious animal, the board of administration requests you to adopt as an invariable rule the following: To prosecute the annual killing of the seals in such manner that they may not only not be exterminated on the rookeries, but, on the contrary, may continually increase in numbers, that is to say, that the amount of the annual increase may be always greater than the number of animals killed.

At the present time the shipment of 10,000 sealskins to Russia every year will be sufficient to prevent a fall in prices.

WRANGEL,
A. SEVERIN,
N. PROKOFYEF,
N. KUSOF,
Directors.

No. 23.

Letter from the board of administration of the Russian American Company to Captain of the Imperial Navy of the Second Rank Alexander Ilitch Rudakof. Written from St. Petersburg April 22, 1853.

Seeing, from dispatches received from your excellency's predecessors that the seals in the colonies are rapidly increasing in numbers, and foreseeing a regular demand for them, the board of administration instructs you to make corresponding arrangements, in order that hereafter until further instructions the killing of seals may be prosecuted on all the islands which they frequent to such an extent as may seem possible without impoverishing the rookeries. The rules for the protection of the cows, etc., must be observed as heretofore.

Of the seals killed, 6,000 must be sent every year by way of Ayan to Kiachta, 10,000 to Shanghai, and all that remain to St. Petersburg by the vessels going around the world.

At the same time the board of administration suggests that you stop salting the sealskins, as has been done heretofore, since it has a bad effect upon their sale.

V. POLITKOVSKY,
Presiding Officer.
V. KLUPFEL,
A. ETHOLIN,
N. KUSOF,
BARON WRANGEL,
Members.

No. 24.

Letter from the board of administration of the Russian American Company to Captain of the First Rank and Knight Stepan Vassilievitch Voyevodsky, chief manager of the Russian American colonies. Written from St. Petersburg April 24, 1854.

Captain of the Second Class Rudakoff, in his dispatch 318, of May 30, 1853, reporting to the board of administration the increase of seals on the island of St. Paul and the arrangements made by him, in consequence, with regard to killing them, inquires of the board of administration what number of them must be killed in future and what kinds are preferred.

In reply the board of administration respectfully requests your excellency to order that bachelors be killed in preference, the older the better, as the purchasers prefer large skins. Hence small seals must be killed only in such numbers as are necessary for obtaining oil to supply the demand; and, as at the present time the demand for seal-skins has considerably decreased, they must be killed, as a rule, only in such numbers as will not affect their increase until a greater demand sets in, for which the board of administration is making constant exertions.

V. KLUPFEL,
Presiding officer.
 A. ETHOLIN,
 N. KUSOF,
 BARON WRANGEL,
Members.

No. 25.

Letter from the board of administration of the Russian American Company to Captain of the Second Rank Prince Maksutof, chief manager of the Russian American colonies. Written from St. Petersburg November 8, 1854.

At present the sale of sealskins has risen to 43,000, namely, 20,000 to 21,000 at New York, 15,000 to 16,000 at St. Petersburg, and 5,000 to 6,000 at Irkutsk. They must be of the best quality; that is to say, large and medium bulls, young bulls, and bachelors.

The whole quantity sent to New York may be salted, but the purchasers request that in salting them the oil be removed from them as carefully as possible, for the better preservation and for the further dressing of the skins. They must be sent there by way of San Francisco, preferably, to complete the cargoes of vessels going to New York, because by this arrangement the delivery of them will cost much less.

Only dried sealskins are in demand at St. Petersburg, and they must be sent there by our own vessels going round the world, or, in the absence of these, by way of San Francisco or Victoria; but preferably, to complete cargo on vessels going to London, to Mr. Pelly, or to Hamburg, to Mr. Sturm, for further dispatch to their destination, as at San Francisco it is impossible to find a vessel with cargo going to St. Petersburg or Kronstadt, and it would be very expensive to charter one for that special purpose.

Only dried sealskins are in demand at Irkutsk, and they must be sent by way of Ayan.

The board of administration therefore requests you to make arrangements so that in future, until there is a possibility of increasing the demand for sealskins, about as many as 50,000 may be killed in the colonies every year, of good quality as above directed, 43,000 of which will be sent at the proper time to their destination and the remainder kept in reserve at New Archangel for the contingency of a special demand; and, in order that those stored may not be injured by lying so long in the warehouses, you will make it a rule to ship them the following year to Russia in exchange for the skins of the new catch which will remain in the warehouses. Furthermore, you will endeavor, so far as possible, to kill none of the small kinds of seal; but if it is impossible to avoid this, you are permitted to use them for clothing in the colonies, taking special care that they are not sold to foreign vessels undressed. In the opinion of the board of administration there will be no difficulty in dressing them in the colonies, as there are many people there in need of work, especially in the districts, to whom this would furnish the means of earning something.

At the same time, in order to find a market for small sealskins, the board of administration requests you to endeavor to introduce the use of them among the savages in the north, with whom they might be exchanged for furs, the acquisition of which would be of great advantage to the company. In doing this we have chiefly in view the fact that by this means the savages would accustom themselves to the use of sealskins for their clothing, and thereby, so far as possible, the sale of them to foreign vessels would be prevented.

V. KLUPFEL,
Presiding Officer.
N. TEBENKOF,
V. ZAVOIKO,
Members.

No. 26.

Letter from the board of administration of the Russian American Company to Captain of the First Rank and Knight Stepan Vassilievitch Voyevodsky, chief manager of the Russian American colonies. Written from St. Petersburg June 5, 1857.

In reply to your excellency's dispatch No. 41, of March 9, with regard to shipping furs to New York and Shanghai, the board of administration has the honor to inform you that the annual demand for sealskins in Russia has now risen to 15,000, 5,000 of which are to be shipped to Kiachta. Only 2,000 river-beaver skins are required for Kiachta; the remaining number of sealskins, say up to 12,000 and more, preferably salted ones, which are valued more highly there, you are instructed to send to New York to Messrs. Lobach & Shepler in the autumn, immediately after the arrival of the vessels from the districts, without subjecting them to any preparations at New Archangel, and leaving them in the same condition and packed in the same way in which they are received from the districts.

With regard to the river-beaver skins the board of administration, although it has received information that the beaver skins have now

fallen in the market at New York to 2 r. 72 k. per skin, it still requests you, as the prices are not high in other places, to ship the said beaver skins (except 2,000, which are needed for Kiachta) to New York without fail. The board will communicate to you hereafter concerning further arrangements with regard to the beaver skins.

Furthermore, the board of administration requests you to send no other furs to New York, except, perhaps, white foxes, which have gone down to almost nothing at Kiachta. You must send no furs to Shanghai without special instructions.

At the same time the board of administration also requests you to give strict instructions to the canoemen (*bidarkimen*) to stop, as far as possible, killing the small gray seals, and on no account to ship them from the colonies, because they greatly interfere with the profitable sale of sealskins in Russia and in the foreign market, as the large skins alone are in special demand and can be sold at good prices.

V. POLITKOVSKY,
Presiding Officer.

V. KLUPFEL,
A. ETHOLIN,
M. TEBENKOF,
Members.

No. 27.

Letter from the chief manager of the Russian American colonies to the board of administration of the Russian American Company. Written from the colonies October 7, 1857.

CONCERNING FUR-SEALS AND BEAVERS.

In reply to the dispatches of the board of administration (Nos. 635 and 650, of June 5 and 10 of this year), received September 7, I have the honor to report that in future the instructions with regard to seals and river beavers given in those dispatches will be carried into due execution. But of the sealskins now on hand 10,000 are packed up, which will be sent by the ship *Cesarevitch* to Kronstadt, 5,000 will be set apart for shipment to Kiachta by way of Ayan, and the remainder, of which there will be about 9,000 (leaving out the small gray sealskins), will be sent to New York, together with as many beaver skins as can be collected after putting aside 2,000 of them for Kiachta.

The sealskins need no preparation at New Archangel, but it would hardly be safe to ship them to New York in the same packing (as directed in the dispatch of the board of administration) in which they are received from the districts—that is to say, tied up only with straps in bundles of several tens each—owing to the fact that they must bear transportation twice across the tropics and the equator.

From information received by me from Messrs. Lobach & Shepler, of New York, they are very well satisfied with the packing in which our goods were shipped there, as they arrived in good condition; and it would probably be better, in sending goods in the previous packing, to send only one or two bundles as an experiment in the packing in which they are received from the districts of the colonies.

Messrs. Lobach & Shepler advise me, in packing the skins taken, not

to double them, because they break at the folds, by which advice I will be guided in future in shipping goods around the world.

The salting of the sealskins, which was stopped by order of the board of administration, will be recommenced next year; but as the instructions on this subject will reach the islands of St. Paul and St. George only in the summer of next year, it is impossible to guarantee that we shall be able to procure a sufficient quantity of salted sealskins next year.

The experiment of salting the skins at New Archangel will also be made.

With regard to the small gray sealskins, I have the honor to express the opinion that only such a number of them have been killed hitherto as was necessary to procure the oil, the demand for which, without speaking of the unavoidable necessity of supplying the Aleuts on the islands and of shipping a quantity to Fort Michael for exchange for furs with the savages there, is increasing in New Archangel itself, owing to the increased number of steamers and steam engines.

The oil purchased costs very dear; hence, having in view the greatest possible economy in the expenditure of money, I made arrangements on the islands of St. Paul and St. George to procure oil from the seals, and about 250 buckets of it have been received. The purchase of this quantity of oil at San Francisco would have cost about 8,000 paper roubles.

For the above-mentioned reasons, although I am making arrangements for stopping the killing of small gray seals, so far as possible, they being only fit to furnish oil and supplies of meat necessary for the winter, still, I find it necessary to respectfully request the board of administration to give me definite instructions with regard to entirely stopping the killing of this kind of seal; but if the board of administration should see fit, in consideration of the circumstances mentioned, to permit me to kill so many of the small gray seals as may be necessary to procure oil and supplies of meat for the winter for the inhabitants of the islands of St. Paul and St. George, in that case the question would arise as to the disposition to be made of the skins of these small animals.

At the present time there are about 5,000 of them in the warehouses, and by taking 3,000 every year a considerable number may accumulate in a few years, requiring a corresponding space for storage.

I suggest that, if it is not yet expedient to send gray sealskins to Russia and to foreign markets for sale, then we might try the experiment of using them in the colonies for robes and overcoats, which, after being well dressed, might take the place of the common sheep-skin coats.

By way of experiment a few robes might be made of these skins, which so far remain unused in the warehouses.

In conclusion, I have the honor to report to the board of administration that, from information which has now been received, the seal rookeries everywhere, and especially on the island of St. Paul, have increased to such an extent that all the places which they frequent are entirely filled, and there is such a need of room for them that it is necessary to increase considerably the number of seals killed; and this shall be done next year.

No. 28.

Letter from the chief manager of the Russian American colonies to the board of administration of the Russian American Company. Written from the colonies January 13, 1859.

CONCERNING FUR-SEALS.

In accordance with the instructions of the board of administration given in dispatch No. 697, of June 5, 1858, received November 2, besides the 10,000 sealskins ordered by previous instructions, 10,664 were sent by the ship *Kamchatka* of those which had been prepared and packed prior to the receipt of dispatch No. 697 for shipment to New York, and there still remain 3,600 dried and 1,176 salted skins, which will now be sent by the bark *Kadiak* to San Francisco, to be forwarded to Messrs. Lobach & Shepler.

With regard to the question of the board of administration as to what number of seals may be killed every year in the colonies without detriment to the preservation of the species and without impoverishing the rookeries, I have the honor to report that, as is evident from the reports of the governors of the Pribilof Islands, where the principal seal rookeries are found, and even those of the Commander Islands, the seals have increased in numbers on all the accessible places to such an extent that the areas occupied by them appear crowded, and it is evident from these reports that it would be possible to kill in all these places, including the small gray seals, as many as 70,000, and even more; but for this it would be necessary to increase the number of hunters and to furnish a sufficient supply of wood to the Pribilof Islands for drying the skins.

It may be said with certainty that no impoverishment of the rookeries will appear for a long time from the killing of as many as 70,000 fur-seals.

No. 29.

Letter from Captain of the First Rank and Knight Ivan Vassilievitch Fur-uhelm, chief manager of the Russian American colonies, to the board of administration of the Russian American Company. Written from the colonies May 13, 1860.

I have the honor to present herewith a table of the skins procured last year from the districts of the colonies, from which the board of administration will see that 892 more sea otters were killed than in 1858. There has not been such a rich catch since 1844, and this increase was owing entirely to the number killed in the Kadiak district, at Unalaska, and at Urup.

As regards the otter catch, the Kadiak factory has reported to me that the Chugatches, living at Fort Constantine, were permitted with the consent of my predecessor to carry on this hunting, apart from the party sent out by the factory, in places known to them alone; after their arrival at Kadiak, however, with a very large number of sea otters, it appeared that in the summer of 1859 they had hunted in places where there was a close time, and where it will be necessary to send a party from Kadiak this year. After such an occurrence, unfortunately, I do not hope to have as successful results from the hunting as Rear-Admiral Voyevodsky in the last year of his administration of the colonies.

Seven hundred and sixty more river beavers were killed than in 1858. The yearly variation in the figures of this industry depends entirely on local climatic causes, which favor the northern savages more or less in their hunting. This increase, as compared with the number taken last year, was gained at Forts Michael and Kolmakovsky.

Four hundred and seventy more pairs of castoreums were taken than in 1858. Eleven thousand one hundred and sixty fewer fur seals were killed than in 1858. The governor of the island of St. Paul assigns as the cause of their decrease the lateness of the spring, owing to which the cows, in forcing their way to the rookeries over the ice, lost their young.

I have sent Lieut. Verman to the island of St. Paul to attend to various commissions and to put an end to some disturbances there arising from relaxation of discipline.

Foxes killed in excess of 1858	1,143
White foxes in excess of 1858	1,174
Lynxes, fewer than in 1858.....	178
Sables in excess of 1858	219

On Copper Island, according to the governor's report, the sea otters are increasing in numbers, and very strict orders are now given not to disturb them until the decrease of that animal in the government of the island of Atka renders a close time necessary there.

Only 1 pood of walrus tusks was received. The governor of the island of Unga has reported to me that on the northern side of the peninsula of Aliaska, in Mollerovsky Bay, tusks to the amount of 500 poods were taken in the course of 1856-'57, and were stored there. On my arrival at Mollerovsky Bay, in 1858, the tusks which had been collected were missing, the walrus rookeries had been ruined, and everything had been burned. It is not known who stole the tusks, but there were found white biscuits, provisions, a whaleboat oar, and the prints of boots, which proved that it was the whalers.

I have the honor to report this to the board of administration

No. 30.

Letter from Captain of the First Class and Knight Ivan Vassilievitch Furukelm, chief manager of the Russian American colonies, to the board of administration of the Russian American Company. Written from the colonies July 16, 1863.

Noting, for immediate execution, the contents of dispatch No. 111, of January 31, 1863, from the board of administration, I have the honor to submit, for the board's consideration, the following estimates as to the cost of preparing the dried and salted sealskins:

REQUIRED FOR THE DRYING OF SEALSKINS.

	Roubles.
Wood for each 1,000 skins, 2½ fathoms, making the cost of each skin.....	2.85
For tying the bundle of 100 skins, 12' arshin sea-lion hide straps (a medium-sized skin, worth 40 kopecks, yields 16 arshin straps), making for one skin..	.10
Total	2.95
Or.....	.03
To this we must add the pay of the Aleuts for each bachelor sealskin.....	.75
Total .....	.78

The frames are always prepared in Sitka, and are sent to the islands. Their cost is not calculated, on account of its insignificance.

REQUIRED FOR THE SALTING OF SEALSKINS.

	Roubles.
The casks contain an average of 73 skins and cost 5 roubles; the iron hoops and fastenings weigh 17 pounds, costing 6.80 roubles, a total of 11.80 roubles, making for 1 skin	0.16
For the preliminary salting on the islands, 3½ pounds of salt are used for each skin; during the final salting at New Archangel, 8 poods of salt are added to each cask of 73 skins, making 4.4 pounds for each skin, a total of 7.9 pounds of salt .....	.79
For tying each skin, 1½ zol. twine .....	.02½
For the wear and tear of cooper's tools and material, approximately, for each skin .....	.01
Total .....	.98½
To this must be added the pay of the Aleuts for each bachelor sealskin .....	.75
Total	1.73½

Concerning the processes employed in the preparation of the skins, according to both methods, I have the honor to report to the board of administration:

The dried sealskins are prepared as follows: After separating the skin from the meat and carefully removing the blubber, the skin is stretched upon a frame, remaining thus until it is finally dried. After removing the skin from the frame it is folded twice lengthwise and packed in bales containing from 50 to 100 skins, according to size, and finally the bales are bound with sea-lion straps.

The salted sealskins, in accordance with Mollison's process, inclosed in the dispatch of the board of administration (No. 81, of January 25, 1860), are prepared in the following way:

After the skins are removed and stripped of meat, they are strewn with salt and stacked in kenches with the others; later, when the laborers have more time, the skins are taken from the kenches and the inner side of each skin is covered with a thick layer of salt. Another skin is laid on top of this with its inner side down. The edges of the skins are turned up on the outer side, so as not to let the salt fall out; they are rolled up into round bundles with the fur side out, and are strongly tied with seine twine. Afterwards these bundles are tied together in packages of from five to ten bundles each.

Though the labor of carrying the skins on the shoulders of men and women, the carrying of salt from the beach to the salt houses, and later the carrying of the heavy salted skins from the warehouse to the beach, to be loaded into baidaras for transmisson to the ship, is very great, still the process of drying presents still greater difficulties on account of the constant fog and rain prevailing on the Pribilof Islands. It may be positively stated that of the 25,000 dried skins prepared annually on these islands, only one-fifth can be dried in the open air. The remainder are dried in sod houses, by means of fires, or in the huts of the Aleuts, which are already cramped and suffocating. For this reason, and also on account of the difficulty of obtaining wood in quantities sufficient for the drying of sealskins, the salting by the Mollison method offers the greater advantage.

No. 31.

Letter from the chief manager of the Russian American colonies to the manager of the island of St. Paul. Written from Sitka May 1, 1864.

Your reports, forwarded last year by the steamship *Constantine* and the bark *Prince Menshikof*, have been received, and in reply I give you the following instructions:

As to No. 29.—Last year you were instructed to fill requisitions of the manager of Unalaska Island in a certain contingency, and instructions have now been given to the manager of the island of St. George hereafter to furnish Unalaska with necessary supplies, and your duties include, as heretofore, the furnishing Sitka and Fort Michael with supplies.

As to Nos. 30, 31.—For want of space on the brig *Shelikof* I was unable to grant permission to Iraida Herman to visit the island of St. Paul this year, and for the same reason I could not send you a cow and a bull.

As to No. 32.—In my instructions No. 249 of last year I determined the number of fur-seal skins to be taken by you in each year. By order of the board of administration I revoke said instructions No. 249, as well as all previous instructions concerning the catch of fur-seals, and I now direct you to take hereafter annually as many as 70,000 fur-seal skins, 25,000 of which must be dried and the remaining 45,000 salted according to the new directions in your possession.

You must take the 70,000 skins now ordered to be prepared only in case no decrease in the numbers of the animals is observed; otherwise you must immediately advise me for the purpose of having the number reduced with a view to the preservation of the seals for the years to come.

As these instructions will reach you late in the season, and as you will consequently be unable to prepare the whole quantity of fur-seal skins now required, I have to request that you will endeavor to take and salt not less than 10,000 skins during the time occupied by the trip of the vessel from St. Paul to Fort Michael and back, and to put them on board of the vessel on her second visit to St. Paul. Last year you sent only 14,000 dried skins, while the order was to send about 20,000. In future you must endeavor to strictly fill the orders.

As to No. 34.—You will make a report to my successor as to the rewards to zealous employés. He will probably visit your island in the course of this year.

As to No. 36.—I thank you for your efforts in regard to the vaccination of the inhabitants, and I request that you will not neglect the matter in future.

In regard to your request for the admission of your son to the Colonial Public School as a company's boarder, I have to inform you that that school is not yet fully prepared for the reception of boarders, and I therefore advise you to place your son in the house of any of your sisters who are now receiving pensions; your son, while living at Sitka, can attend the school on the same terms as all the newcomers who are not the company's pupils.

The annual supplies are sent you by the brig *Shelikof*; unload the cargo, and deliver to the brig all your skins and your reports. Besides this vessel, you will be visited by the steamer *Constantine* on her return voyage from Nushagak; this vessel will bring you about 2,500 poods of salt, and probably some lumber.

I have ordered the Russian skipper Archimandritoff to proceed by this brig to inspect the island under your charge; you are therefore directed to comply with all his requests.

CASES OF THE PEARL, LORiot, AND HARRIET.

CASE OF THE PEARL.¹

Messrs. Bryant and Sturgis to Mr. Adams.

BOSTON, *April 21, 1823.*

HON. JOHN QUINCY ADAMS,
Secretary of State:

SIR: The brig *Pearl*, Samuel Chandler, master, belonging to ourselves and other citizens of the United States, sailed from this place on a trading voyage to the northwest coast of America in January 1822, and arrived at the Sandwich Islands the following August. Illness compelled Capt. Chandler to remain at the islands, and Charles Stevens was appointed commander of the vessel. The inclosed protest shows the subsequent proceedings. Our letters from Capt. Chandler state that the order to leave that part of the northwest coast lying north of latitude 51°, was a written one, both from the governor of the Russian settlement at Norfolk Sound and the commander of the Russian frigate.

By this outrage the voyage of the brig *Pearl* has been entirely ruined and her owners subjected to a very heavy loss, as the peculiar character of the voyages to the northwest coast require a cargo and outfit not adapted to any other trade, and which must be totally lost if we are debarred from pursuing our original plan.

Understanding that negotiations are pending with the Russian Government, in relation to their claims of exclusive jurisdiction on the northwest coast, we feel it our duty to make this communication to our Government, and do it with a confident expectation that a demand will be made on the Russian Government for indemnity for the heavy losses to which we have been unjustly subjected.

We learn that the Russian authorities on the northwest coast had taken measures to drive the other American vessels from that coast and are in daily expectation of hearing from them at the Sandwich Islands, to which they must resort. Having upwards of \$200,000 embarked in the northwest trade, we are deeply interested in the result, and can not but hope that Government will adopt such measures as will secure us an indemnity for the immense losses with which we are threatened.

With the greatest respect, we are, sir, your most obedient servants,
BRYANT & STURGIS.

¹The documents hereinafter referred to are on file in the archives of the State Department at Washington.

[Inclosure.]

By this public declaration and protest, be it known, that on this twenty-fourth day of November, in the year of our Lord 1822, before me, John C. Jones, jr., agent for the United States at the Sandwich Islands, personally came and appeared Charles Stephens, master, Lemuel Foster, jr., chief officer, and Joseph Hall, jr., second officer, of the brig or vessel called the *Pearl*, of the burthen of one hundred and seventy-six tons or thereabouts, belonging to the port of Boston, in the United States, who severally declared, that they sailed in the said brig *Pearl* from the Sandwich Islands on the 25th day of August, 1822, bound on a trading voyage to the northwest coast of America; that on the 19th day of September they made the land Cape Ommaney, and anchored the same day at New Archangel, the Russian settlement; that they were employed there preparing the vessel to proceed down the coast till the 20th day of October, on which day they received a peremptory order from the governor of the port to immediately leave the road and never again appear on that coast.

And the appear[er]s did further declare that they were compelled to leave behind, spars, wood, etc., which were on the beach ready for shipping, and of the greatest necessity to the vessel, and for which no compensation was made.

And the appearers did further declare that on the 21st day of October they were boarded from His Imperial Majesty's frigate, the *Apollo*, and after a minute examination ordered to leave the coast immediately. And, further, the appearers did declare that by the said proceedings of the Russian Government the lawful business on which they sailed has been entirely defeated and their voyage ruined.

And, therefore, the said appearers did declare to protest against His Imperial Majesty the Emperor of Russia, against the governor of the Russian settlement at New Archangel, the commander of the Russian frigate *Apollo*, and all and every person, subjects of Russia, who have molested, impeded, or prevented the lawful trade of the brig *Pearl* on the northwest coast of America; that all losses, detriments, and damages that have or may arise to the said brig or owners by her being ordered from the northwest coast of America ought to be accounted for [by] His Imperial Majesty, or officers, to the owners or those interested in the said brig *Pearl*, or to the United States Government.

Thus done and protested before me at the Island of Woahoo, this twenty-fourth day of November, in the year of our Lord one thousand eight hundred and twenty-two.

Witness my hand and seal,

(Signed)

JOHN C. JONES, Jr.,
U. S. C. A., Sandwich Islands.

We, the undersigned, being severally duly sworn, do severally make oath and say that the instrument of protest hereunto annexed hath been clearly and distinctly read over to them, these deponents, and that the several matters and things therein contained are right and true in all respects as the same are therein alleged, declared, and set forth.

(Sign'd)

CHARLES STEVENS.
LEMUEL FOSTER, Jr.
JOSEPH HALL, Jr.

Sworn before me at the Island of Woahoo this 24th day of November, in the year of our Lord 1822. In witness whereof I have hereunto set my hand and affixed my seal of office.

(Signed)

JOHN C. JONES, Jr.,
U. S. C. A., Sandwich Islands.

[Memorandum prepared by the Russian Minister at Washington.]

For the Honorable Mr. Adams' private information.

According to informations, to which some credit seems to be due, the Russian 'ukase' was publicly known at Boston as early as December, 1821. The owners of the *Pearl*, which sailed in January, 1822, seem to have been not only fully apprised of the existence of this edict, but to have fitted her out expressly to anticipate its operation and to turn to their advantage the indulgence granted to a bona fide ignorance of the ukase.

The American underwriters refused to pay the insurance, and were justified in their refusal.

The principal firm of Boston concerned in the northwest trade, and having now several vessels abroad actually prosecuting it, has lately offered to dispose of the whole of its stock so vested, ships and cargoes, for the consideration of only 7 per cent advance on the original cost. This firm consists of Messrs. Bryant & Sturges. The latter has become interested by purchase in the *Pearl* subsequently to her return from her voyage.

The original captain, who resumed his command at Woahoo and brought the *Pearl* back, has been, on his arrival at Boston, accused by the owners of nefarious and fraudulent practices, threatened with legal prosecution, and proved guilty in a court of arbitration.

[Memorandum prepared by Bryant & Sturges. No address.]

The first objection made to the admission of our claim is, in substance, "That the owners of the *Pearl* fitted out that vessel after being apprised of the existence of the Russia ukase." Not having been original owners of that vessel, we cannot assert that such was not the fact; but we think the circumstances of the outfit and voyage most conclusively prove that the owners could not have been aware of the provisions or even the existence of the Russian edict at the time the voyage was commenced. The ukase received the sanction of His Imperial Majesty in September, 1821, and it was made known at St. Petersburg in October following, but was not communicated to our Government until February, 1822. The *Pearl* was purchased and preparations for her voyage began in November, 1821. She sailed from Boston in January, 1822, and in October of the same year arrived at the port of New Archangel. Had the *Pearl* been "fitted out expressly to anticipate the operation" of the ukase, is it probable that the first port she visited on the Northwest Coast of America would have been one known to be in the possession of the Russian Company, and where official notice of the ukase would of course be given, and its provisions enforced? Would not the commander of the *Pearl* have avoided all communication with the Russians, and, trading only with the native inhabitants on other parts of the coast, have prosecuted his voyage in comparative security? In the original instruction from the owners of the *Pearl* to the commander no allusion is made to any interdiction of trade on the Northwest Coast; but he is expressly directed to visit all ports and places where an advantageous traffic could be carried on. It is highly *improbable* that any merchant, having knowledge of the Russian edict, would have given such instructions.

It is stated that "the American underwriters refused to pay the insurance and were justified in their refusal." Payment has never been demanded from the underwriters. An inspection of our policies of in-

surance will show that the loss on the voyage of the *Pearl* is not one for which insurers are ever liable—it is the loss of a market. Had the commander of the *Pearl*, disregarding the warning of the Russian authorities, remained on the Northwest Coast, and the vessel been captured and confiscated, then the underwriters would have been liable, and the loss would have been paid.

To the assertion that we “have recently offered to dispose of our whole stock in the northwest trade, at an advance of only 7 per cent on the original cost,” it might be a sufficient reply to state, in the most explicit terms, that no such offer was ever made, or authorized, by us; but, in corroboration, we adduce the fact that, from the year 1815 to the present time, we have annually fitted out one or more vessels for the northwest trade, and that except in one case, where the vessel was totally lost by shipwreck, no voyage of ours has terminated with less than 50 per cent profit, and in several instances more than 90 per cent has been realized by us. The prospect for some of our vessels now on the N[orth]W[est] Coast is so flattering that we doubt not but that more than 50 per cent could not be obtained on the first cost of vessels and cargoes. There was a time when we should, perhaps, have been disposed to have sold our interest in this trade at *less* than the original cost. It was when we apprehended that the interference of the Russian authorities might occasion the same ruinous consequences in other cases, as in the case of the *Pearl*.

The misconduct of the master of the *Pearl*, for which he was held accountable on his return, had no relation to the question here at issue. He was prosecuted for some petty acts of dishonesty and for a violation of his contract with the owners in regard to private trade at the Sandwich Islands and elsewhere.

In the statement which we made some time since to the Department of State relative to our claim, all the facts within our knowledge were set forth, and the estimates then made were just and reasonable. We are extremely solicitous to have the business brought to a close—all we ask is to be indemnified by the Russian Government for the loss actually sustained in consequence of the interference of their officers with our lawful pursuits.

BRYANT & STURGIS.

Mr. Middleton to Mr. Adams.

ST. PETERSBURG, April 23–May 5, 1824.

SIR: At the moment of signing the Convention of 17–5th April, I felt it to be my duty to remind Count Nesselrode of the claim I had made on account of the interruption of the voyage of the brig *Pearl*. I urged to him the necessity of making compensation in a case the principle of which might be now considered as settled in our favor. I argued that their consenting to treat with us respecting limits upon that coast, and abandoning in part their pretensions, proves that they hold no sovereignty over it. The act, then, of their officer in arresting a lawful voyage was arbitrary, and just indemnity is due for losses thereupon consequent. After slightly touching such further topics as I thought likely to produce the effect I wished, I put into his hand as a memorandum of our conversation, the *note verbale* of which a copy (No. 1) accompanies this. He read it, and requested that I would again furnish him with the documents I had formerly sent him relating

to this case, as those I had furnished were not within his reach, the Emperor having taken my note of November 8, together with its inclosures, to Farshoe Sels, since which Count Nesselrode had heard nothing more of them. In conformity to this request, I sent the next day fresh copies of the documents in question, requesting the count's early attention to them. And yesterday I received a private letter, of which a copy is herewith sent (No. 2), stating that General Baron de Tuyl is authorized to ascertain by conferring with the American Secretary of State what may be the indemnity due to the sufferers in the case of the brig *Pearl*.

I have the honor to be, sir, most respectfully, your obedient servant,
HENRY MIDDLETON.

To the SECRETARY OF STATE.

[Inclosure No. 1 in Mr. Middleton's dispatch, No. 36, of 23d April-5th May, 1824. Verbal note.]

The minister of the United States thinks it his duty to remind his excellency the Secretary of State, at the moment of signing the Convention, which is just concluded, of the affair of the vessel *Pearl*. He has been anxious to avoid every complication which might interrupt the progress of the negotiation which has just been terminated, but at present it is proper to mention that, in conformity with the orders which he has received, he ought not withhold his protest against this arbitrary act of the Russian authorities.

It would be extremely agreeable to the minister of the United States to be enabled to announce to his Government, by the messenger who will carry the Convention, that His Imperial Majesty, of his own proper motion, ordered his minister at Washington to concert with the Secretary of State of the United States what would be a fair indemnification to be given in the case above mentioned.

ST. PETERSBURG, 5th April, 1824.

[Enclosure No. 2 in Mr. Middleton's dispatch No. 36, of 23 April-5 May, 1824. Verbal note.]

[Private.]

Count Nesselrode to Mr. Middleton.

SIR: I have submitted to the Emperor the papers which you did me the honor to communicate to me relative to the claims which your Government made on the subject of the sending back of the American brig the *Pearl*.

In our former conferences I did not fail to impress upon you, sir, that we could not consider this claim as founded in right, nor recognize the principle upon which it is based. The Emperor's opinion has not changed in this regard.

However, I have this day the satisfaction of informing you that His Imperial Majesty, wishing to give the Government of the United States a new proof of his desire to maintain their relations of good understanding and friendship, has just authorized General de Tuyl to enter upon the subject of the affair in question by conferences with the Secretary of State and to come to an understanding with him upon the amount of the indemnification which is wished to be given to the persons whose interests may have been injured by the sending back of the brig *Pearl*. Our minister at Washington will discharge this order, but he is authorized to inform the Secretary of State of the point of view in

which the Emperor sees this affair as to the principle of right, and to declare especially that His Imperial Majesty accedes to the wishes of the Government of the United States only with the view of evincing his favorable dispositions to cement those amicable relations to which the convention of April 5-17 April has just added new value.

I have the honor to be, with the most distinguished consideration, sir, your most humble and obedient servant,

NESSELRODE.

ST. PETERSBURG, 22 April, 1824.

CASE OF THE LORiot.

On May 19, 1835, the Department of State at Washington was officially notified by the Russian minister that the ten years trading privileges upon the Northwest Coast of America, which were conferred by the treaty of 1824 between the United States and Russia, had come to an end, and that the captains of two American vessels at Sitka had already been requested to take notice of this fact.¹

On June 24, 1835, the Secretary of State wrote to the Russian minister, as follows: * * * "I am instructed to apprise you that the President would prefer not to take any active measures to interrupt the commercial intercourse between the United States and the Russian settlements on the Northwest coast of America, unless, in your opinion, there is reason to believe that a proposition on the part of this Government for a renewal of the article referred to would not be met in a favorable spirit by the government of His Imperial Majesty at St. Petersburg."²

On July 30, 1835, the Secretary of State notified Mr. Wilkins, the United States minister at St. Petersburg, of the foregoing, and requested him to endeavor to obtain a renewal of the ten year's privileges; which request was repeated April 19, 1837, to Mr. Dallas, Mr. Wilkins' successor.³

Soon thereafter there was received the news of the seizure by the Russians in the preceding year of the brig *Loriot* in a harbor situated in latitude 54° 55' north upon the Northwest coast, *i. e.*, just above the southernmost limit of latitude 54° 40', referred to in the treaty of 1824. The United States Government protested vigorously and demanded reparation of the Russian Government. Its views are found embodied in the letter addressed by the Secretary of State to Mr. Dallas, May 4, 1837.⁴

The material issues involved in the case are concisely stated as follows in a letter from Mr. Dallas to Count Nesselrode, dated March 5, 1838.⁵

"Avoiding a repetition of details heretofore enumerated as well as their aggravating features, the leading facts of reclamation are that of the brig *Loriot*, owned and commanded by American citizens, sailed from the Sandwich Islands on the 22d of August, 1836, bound to the Northwest Coast to procure provisions and Indians for hunting sea-otter; that hav.

¹ Senate Ex. Doc. No. 1, Twenty-fifth Congress, third session, p. 24. The whole of this document will be laid before the Tribunal.

² *Ibid.*, p. 26.

³ *Ibid.*, p. 30.

⁴ *Ibid.*, p. 33, and British Case, p. 80.

⁵ *Ibid.*, p. 60, and British Case, p. 81.

ing made Forrester's Island, she anchored in the harbor of Tuckessan, in latitude $54^{\circ} 55'$ north; that no Russian establishment existed in that harbor; that 4 days afterwards an armed brig of His Imperial Majesty's navy went into the neighboring harbor, called Tateskey, in latitude $54^{\circ} 45'$ north; that no Russian establishment existed in this latter harbor; that she was boarded by officers from the armed brig, by whom her captain was first ordered to leave the dominions of Russia, and subsequently compelled to get under way and sail for the harbor of Tateskey; that when off the harbor of Tateskey she was, in threatening weather, refused permission to enter, and peremptorily again commanded to quit the waters of His Imperial Majesty; * * * *

Mr. Dallas continues as follows:

"The right of the citizens of the United States to navigate the Pacific Ocean, and their right to trade with the aboriginal natives of the Northwest coast of America, without the jurisdiction of other nations, are rights which constituted a part of their independence * * * It is unknown to the undersigned that they have voluntarily conceded these rights, or either of them, at any time, through the agency of their government, by treaty or other form of obligation, in favor of any community. Yet he deduces from the communication of His Excellency, after having given it the careful consideration to which every act from such a source lays claim, as the only ground upon which the reclamation on behalf of Captain Blinn is resisted, the proposition that the United States, by the Convention of 1824 yielded to His Imperial Majesty their right to hold commerce on the expiration of ten years with the aboriginal natives on the Northwest Coast beyond the degree of $54^{\circ} 40'$ north latitude. This proposition, if established, is unquestionably fatal to the pretensions of the master and owners of the *Loriot*. It bears, however, an aspect so detrimental to the interests of his countrymen, and to their attributes as an independent power, is so inconsistent with the past policy and principles of the American cabinets, and is withal of such minor importance to the prosperity and greatness of Russia, that the undersigned trusts its want of solid foundation will, on further reflection, be apparent and confessed."

After discussing at length the terms of the treaty Mr. Dallas continues:

"The undersigned submits that in no sense can the fourth article be understood as implying an acknowledgment on the part of the United States of the right of Russia to the possession of the coast above the latitude of $54^{\circ} 40'$ north. It must of course be taken in connection with the other articles, and they have, in fact, no reference whatever to the question of the right of possession of the unoccupied parts. To prevent future collisions it was agreed that no new establishment should be formed by the respective parties to the north or south of the parallel mentioned; but the question of the right of possession beyond the existing establishments, as it stood previous to or at the time of the convention, was left untouched.

"By agreeing not to form new establishments north of latitude $54^{\circ} 40'$ the United States made no acknowledgment of the right of Russia to the territory above that line. If such an admission had been made, Russia, by the same construction of the article referred to, must have equally acknowledged the right of the United States to the territory south of the parallel. But that Russia did not so understand the article is conclusively proved by her having entered into a similar agreement in her subsequent treaty of 1825 with Great Britain, and having, in that in-

strument, acknowledged the right of possession of the same territory by Great Britain.

"The United States can only be considered inferentially as having acknowledged the right of Russia to acquire, above the designated meridian, by actual occupation, a just claim to unoccupied lands. Until that actual occupation be taken, the first article of the convention recognizes the American right to navigate, fish, and trade, as prior to its negotiation. Such is esteemed the true construction of the convention; the construction which both nations are interested in affixing, as the benefits are equal and mutual, and the great object is secured of removing the exercise of a common right from the danger of becoming a dispute about exclusive privileges.

"At the hazard of proving tedious, the undersigned has thus endeavored to convey to his excellency Count Nesselrode the views suggested by his recent communication."

Count Nesselrode never took any notice of this note.¹ On March 9, 1838, however, he addressed the United States minister, in part, as follows:²

"The undersigned has had the honor to receive the note that Mr. Dallas, envoy extraordinary and minister plenipotentiary of the United States of America, was pleased to address him on the 16th (28th) of December relative to the proposition previously brought forward by Mr. Wilkins to renew the fourth article of the convention of April 5 (17), 1824, of which the effect had been limited to a term of ten years, and which had consequently expired in 1834.

"The desire not to decide a question of this importance without a thorough knowledge of the subject did not permit the Imperial Government to give an opinion in relation to it until detailed information had been collected, as well in regard to the wants of the Russian establishments in America as to the influence that the state of things secured by the fourth article had exercised there. * * *

"The information then expected has since reached the undersigned, and it appears that the execution of the temporary provisions contained in the fourth article had not been unattended with serious inconveniences, and that it has been really injurious to the prosperity of the Russian establishments on the northwest coast. The greater part of the foreign vessels which resort to this coast in virtue of the said stipulations have only made use of the right of trading with the natives in order to sell them spirituous liquors, firearms, and gunpowder. According to the tenor of the fifth article, these articles were expressly excluded from the trade, but experience has proven that this exclusion, and also the legislative measures by which the Government of the United States sought to carry it into effect, were illusory, since by the same article the contracting parties had deprived themselves of all means of controlling the vessels which should visit these latitudes, so that entire cargoes of rum, of firearms, and ammunition, have been carried, without hindrance, into the Russian possessions and sold to the natives, thus necessarily endangering the germs of order and civilization which the agents of the Russian American Company have already succeeded in introducing among these tribes. * * *

"This state of things could not fail to occasion complaints and remonstrances, which, the Imperial Government being ever anxious for the preservation of its relations with the United States, would alone, from that time, be an adequate motive to induce it to desire that the stipula-

¹ Sen. Ex. Doc. No. 1, Twenty-fifth Cong., 3d sess., pp. 71, 72.

² *Ibid.*, p. 69.

tions of the fourth article should not be renewed. But another consideration, not less decisive, here presents itself; this is the obligation under which the Imperial Government is placed to protect the commerce and navigation of the Russian colonies, and to secure to them henceforth the peaceable enjoyment of the advantages which, by virtue of their privileges, they are destined to gather from the improvement (exploitation) of the fisheries as well as from the trade with the natives.

"These considerations, taken together, render it impossible for the Imperial Government to accede to the proposition which has been made to it to renew the stipulations of the fourth article. The regret experienced by it on the occasion is, however, diminished by the conviction that the United States would not themselves derive any especial advantage from the longer continuance of these stipulations; since, according to the statement of the navigation in these places, even whilst the fourth article was yet in force, there were never more than four American vessels arrived in the course of a whole year, and that even this number hardly to be taken into account in the flourishing state of the mercantile marine of the Union, was diminishing in proportion as enterprises on the northwest coast offered fewer chances of success. It appears evident from this, that the renewal of the fourth article could hardly contribute to extend in a reciprocally useful manner the commercial relations between Russia and the United States of America; or by consequence answer the constant solicitude of the Imperial Government to cement more and more and in a mutual interest the friendly intelligence which it is always happy to cultivate with the Government of the Union."

A final request was made for permission to trade, if not with the natives, then at least with the Russians. But this too was refused, as appears from the following dispatch of Mr. Dallas' to the Secretary of State, May 13, 1838¹:

"On the 9th inst. the communication of which I annex a copy, was received from Count Nesselrode, in reply to my request, under date of the 26th of March last, to be furnished with information as to the measures adopted, or proposed to be adopted, by this Government respecting the admission of American vessels into the Russian establishments on the northwest coast.

"It will be perceived that the substance of Count Nesselrode's note is distinct and definitive; and that the single and simple measure adopted in relation to our vessels, is their absolute exclusion from what are deemed the Russian possessions. The published order of Governor Wrangel, to which Baron Krudener, in 1835, called your attention, is confirmed unqualifiedly in principle and practice; and the cabinet at Washington is invited to repeat the warning heretofore given by it to the citizens of the United States not to contravene that prohibitory notice, so that they may avoid exposing themselves to the consequences of misunderstanding or collision.

"Although my request for information was expressly limited to Russian establishments, and Count Nesselrode's reply to it may not strictly be extended beyond that limit, I can not help thinking that the prefatory and peculiar reference he has made to the expiration of the fourth article of the convention is meant as a reiteration of the position assumed in the case of the *Loriot*, Capt. Blinn, to wit, that since April, 1834, our right to frequent the interior seas, gulfs, harbors, and creeks north of 54° 40' north latitude, whether actually occupied or not, has ceased. The consistent brevity, indeed, with which the effect

¹ *Ibid.*, p. 71.

of the ten years' limitation is uniformly invoked satisfies me that it is esteemed a *point d'appui* in relation to our rights and pretensions on the Northwest Coast, too conclusive to be omitted or argued. My letter in answer to the first assumption of that position, dated the 17th of March, 1838, and forwarded to you with dispatch No. 15, has not been noticed. * * *

Though Mr. Dallas terminates this dispatch with a request for further instructions as to "the settled views and purposes of the American Cabinet as regards the North Pacific trade," none appear to have been forthcoming, notwithstanding the whole correspondence was submitted to Congress in 1838.

No further reference to the Northwest Coast was made by the United States Government until June 2, 1840, when its minister at St. Petersburg was requested to make inquiries concerning the lease¹ which, in 1839, the Russian-American Company had executed to the Hudson Bay Company of the territory between latitude 54° 40' and Mount St. Elias, to which lease no objection ever appears to have been made.

CASE OF THE HARRIET.²

The American consul to the Buenos Ayres minister

BUENOS AYRES,
26th November, 1831.

(After referring to certain delays on the part of the Government of Buenos Ayres in regard to the seizure of the *Harriet*, the United States consul continues:)

This unexpected reply from his excellency the minister can not be viewed by the undersigned in any other light than as a virtual avowal on the part of this Government of the right of Mr. Lewis Vernet to capture and detain American vessels engaged in the fisheries at the Falkland Islands, and the islands and coasts about Cape Horn. It, therefore, only remains to him to deny in toto any such right as having been, or being now, vested in the Government of Buenos Ayres, or in any person or persons acting under its authority; and to add his most earnest remonstrance against all measures which may have been adopted by said Government, including the decree issued on the 10th of June, 1829, asserting a claim to the before-mentioned islands and coasts, and the fisheries appurtenant thereto, or any other act or decree having the same tendency, and also the circular letter of the said Vernet, issued in consequence of the same, as well as against all such measures as may hereafter be adopted by said Government or persons acting under its authority which are calculated in the remotest degree to impose restraints upon the citizens of the United States engaged in the fisheries in question or to impair their undoubted right to the freest use of them.

DECREE OF THE REPUBLIC OF BUENOS AYRES.

BUENOS AYRES, 10th June, 1829.

When, by the glorious revolution of the 25th of May, 1810, these provinces separated themselves from the dominion of the mother coun-

¹ Appendix to Case of the United States, Vol. I, p. 10.

² See British and Foreign State Papers, 1832-'33, Vol. 20, pp. 311 to 441.

try, Spain held the important possession of the islands of the Malvinas (Falkland Islands), and of all the others which approximate to Cape Horn, including that known under the denomination of Tierra del Fuego; this possession was justified by the right of being the first occupant, by the consent of the principal maritime powers of Europe, and by the proximity of these islands to the continent which formed the viceroyalty of Buenos Ayres, unto which Government they depended. For this reason the government of the Republic, having succeeded to every right which the mother country previously exercised over these provinces, and which its viceroys possessed, continued to exercise acts of dominion in the said islands, its ports, and coasts, notwithstanding circumstances have hitherto prevented this Republic from paying the attention to that part of the territory which, from its importance, it demands. Nevertheless, the necessity of no longer delaying such precautionary measures as shall be necessary to secure the rights of the Republic, and at the same time to possess the advantages which the productions of the said islands may yield, and to afford to the inhabitants that protection of which they stand in need, and to which they are entitled, the Government has ordered and decreed as follows:

ART. I. The islands of the Malvinas and those adjacent to Cape Horn, in the Atlantic Ocean, shall be under the command of a political and military governor, to be named immediately by the Government of the Republic.

II. The political and military governor shall reside in the Island de la Soledad, on which a battery shall be erected under the flag of the Republic.

III. The political and military governor shall cause the laws of the Republic to be observed by the inhabitants of the said islands, and provide for the due performance of the regulations respecting seal fishery on the coasts.

IV. Let this be made public.

RODRIGUEZ.

SALVADOR MARIA DEL CARRIL.

*The American chargé d'affaires to the Buenos Ayres minister.*¹

Buenos Ayres, 20th June, 1832.

The undersigned, chargé d'affaires from the United States of America near the Government of Buenos Ayres, has the honor to inform his excellency the minister of grace and justice, charged provisionally with the department of foreign affairs, that he has been instructed by his Government to call the attention of this Government to certain transactions of Mr. Lewis Vernet, who claims, under a decree of this Government, dated the 10th of June, 1829, to be "the military and civil governor of the Falkland Islands, and all those adjacent to Cape Horn (including Tierra del Fuego), in the Atlantic Ocean."

Under color of this decree, on the 30th day of July last, Gilbert R. Davidson, a citizen of the United States, and master of a vessel called the *Harriet*, sailing from Stonington, in the State of Connecticut, one of the said United States, and owned by citizens of the said States,—in a time of profound peace, while pursuing lawful commerce and business, was forcibly arrested by a body of armed men, acting under the

¹See British and Foreign State Papers, 1832-'33, Vol. 20, p. 330.

orders of the governor, Vernet, who at the same time arrested his boat's crew, placed him in close confinement,—subsequently seized the *Harriet*,—forced the crew on shore and imprisoned them all, excepting the mate, cook, and steward. The papers of the *Harriet* and many articles on board were forcibly taken, and a part of the articles were sold by order of the governor, without formal condemnation or any legal process whatever.

* * * * *

Having arrested and imprisoned them, in his capacity of military and civil governor, for violating the laws and the sovereignty of this Republic—regardless of the high official character in which he acted, and the dignity of the Government under whose appointment he professed to act—instead of bringing them to trial for these offenses, he endeavored to compel them to enter his service, for purposes altogether personal, and to substitute himself forcibly in the place of their owners.

* * * * *

The schooner *Harriet* arrived here on the 20th of November last, under his charge, and is now detained (as the undersigned has been informed) by virtue of some process emanating from this Government, and her crew (with the exception of 5 who had been liberated by the governor on their agreement to enter his service), were put on board the aforementioned British vessel and sent with Captain Carew, and some of his men to Rio Janeiro.

* * * * *

The undersigned would also call the attention of his excellency the minister of foreign affairs to certain declarations of Don Luis Vernet, important, as coming from a high functionary of this Government, the military and civic Governor of an extensive region; and if those declarations are to be considered as indicative of the sentiments and views of this Government there would be just cause for apprehending that a project was in contemplation involving the destruction of one of the most important and valuable national interests of the United States—the *whale fishery*—for he declared to Captain Davison, that it was his determination to capture all American vessels, including *whaling ships*, as well as those engaged in catching seals, upon the arrival of an armed schooner, for which he had contracted, which was to carry 6 guns and a complement of 50 men.

The undersigned would also call the attention of his excellency the minister to another declaration of the governor, from which an inference is fairly to be deduced, that the citizens of the United States were to be selected as the special victims of his power, while the vessels and seamen of other nations were to be unmolested, inasmuch as when he was told that the crew of the *Adeona*, a British vessel, had taken many seals on the islands, and some even on the Volunteer Rocks, at the mouth of the sound on which his establishment was placed, his reply was, “that he could not take an English vessel with the same propriety that he could an American.”

It may sometimes happen that nations may mistake their rights, and may attempt to establish sovereign jurisdiction over unoccupied territories not clearly their own, and to which their title may be disputed, and other nations, whose rights may be affected in consequence of such assumptions, are not necessarily obliged, perhaps, in the first instance, to regard acts enforcing such jurisdiction as intrinsically and absolutely hostile if their operation is equal and indiscriminate; but, if the

citizens or subjects of one nation only are subjected to penalties and punishments for violations of sovereign jurisdiction so assumed, while the subjects or citizens of other nations, committing the same violations, are unmolested, such partial selection is evidence of hostile feeling, at least, in the officer to whom the authority to punish is delegated, and the Government which justifies an officer who thus favors and spares the one and punishes the other, when both are *in pari delictu*, must be considered as avowing a preference, injurious and hostile to the nation which suffers.

* * * * *

But had the governor, in the exercise of his authority, confined himself merely to the capture of American vessels, and to the institution of processes before the regular tribunals which administer the laws in this country, with the sole view of ascertaining whether transgressions against the laws and the sovereignty of this Republic had or had not been committed, and had he so done in strict pursuance of his delegated authority, yet, in view of the Government of the United States, even an exercise of authority thus limited, would have been an essential violation of their maritime rights; and the undersigned is instructed and authorized to say that they utterly deny the existence of any right in this Republic to interrupt, molest, detain, or capture any vessels belonging to citizens of the United States of America, or any persons being citizens of those States, engaged in taking seals, or whales, or any species of fish or marine animals, in any of the waters, or on any of the shores or lands, of any or either of the Falkland Islands, Terra del Fuego, Cape Horn, or any of the adjacent islands in the Atlantic Ocean.

In consequence of these repeated outrages on American property and American citizens, it has become the solemn and imperative but unpleasant duty of the undersigned, as the representative of the United States of America, to demand in their behalf a restitution of all captured property belonging to citizens of the United States now in the possession of this Government, or in the possession of Don Luis Vernet, claiming under its appointment to be the military and civic governor of the Falkland Islands, Terra del Fuego, and all the islands in the Atlantic Ocean adjacent[to] Cape Horn, and ample indemnity for all other property of American citizens which has been seized, sold, or destroyed by said Vernet, or persons acting under his orders; and full and ample immunity and reparation for all consequential injuries and damages arising therefrom, and full indemnity to all American citizens from personal wrongs, whether from detention, imprisonment, or personal indignities.

The American Chargé d'Affaires to the Buenos Ayres Minister.¹

BUENOS AYRES, 10th July, 1832.

The undersigned, chargé d'affaires from the United States of America near this Government, has the honor to inform his excellency the minister of grace and justice, charged provisionally with the department of foreign affairs, that he has received no answer to the inquiry which he had the honor to submit to him in his communication of the 26th ultimo, and which was of the following purport, that his Government

¹ See British and Foreign State Papers, 1832-'33, Vol. 20, p. 338.

wished to know distinctly from this Government whether it claimed on its part any right or authority to detain or capture or in any way to molest, interrupt, or impede the vessels or the citizens of the United States of America while engaged in fishing in the waters or on the shores of the Falkland Islands and the other places included in the decree of June 10, 1829.

* * * * *

As his excellency has not, as yet, condescended to reply to the inquiry, the undersigned thinks himself justified in the presumption that the power and authority described in his application are assumed by this Government. And, acting on this presumption, he will proceed to lay before his excellency the views which his Government have taken of this question, and to present some facts, having relation to the question in issue, for the consideration of his excellency, which he sincerely hopes may produce a happy termination of this unpleasant controversy.

To simplify the investigation upon which the undersigned proposes to enter, he will, in the commencement, take the liberty to state the question in this manner.

The Argentine Republic claims sovereignty and jurisdiction over the Falkland Islands, Terra del Fuego, Cape Horn, and the islands adjacent in the Atlantic Ocean, by virtue of having succeeded to the sovereign rights of Spain over those regions.

As these sovereign rights thus claimed are altogether derivative from Spain, the first inquiry naturally divides itself into two branches:

1st. Had Spain any sovereign rights over the above-mentioned places?

2nd. Did the Argentine Republic succeed to those rights?

(The letter proceeds to show that Spain never became or even claimed to be the owner of the Falkland Islands either by first discovery or occupation (pp. 340-347), and continues:)

Can this Republic, then, claiming no original title or rights, but such only as are derivative, and which are derived altogether from Spain, assume any higher titles than those which Spain herself assumed? And Spain certainly never assumed any right to capture or detain American vessels or American citizens engaged in the fisheries at the places above mentioned.

* * * * *

But, if it be hypothetically admitted that the full and entire right of sovereignty was possessed by Spain, has Spain renounced it? Has Spain ever, by any acknowledgment whatever, yielded the rights which she once possessed? Has Spain, as yet, relinquished, by any formal act or acknowledgment, any part of her claim to supreme dominion over these islands? If the rights of Spain are dormant, they are not extinct; and the undersigned has little doubt of her ability to maintain her actual rights (if any) over the Falkland Islands, for, although some of the brightest jewels have been torn from her Crown, she is now a great and powerful nation; and could her capacities be developed by free and liberal institutions, she would soon resume much of her ancient grandeur.

But, again, if the rights of Spain to these islands were undoubted, and if, again, it be admitted hypothetically that the ancient vice-royalty of the Rio de la Plata, by virtue of the revolution of the 25th of May, 1810, has succeeded in full sovereignty to those rights, would

that admission sustain the claim which the province of Buenos Ayres, or, in other words, the Argentine Republic, sets up to sovereignty and jurisdiction?

* * * * *

If, then, the sovereignty rights of Spain to those southern islands descended to the ancient viceroyalty of the Rio de la Plata by virtue of the revolution, and if that viceroyalty is now divided into several sovereignties, independent of each other, to which one of these several sovereignties shall these rights be assigned? Where are the title deeds of the Argentine Republic? Where are the releases of the other nations of the viceroyalty to that Republic?

But, again, if it be admitted hypothetically that the Argentine Republic did succeed to the entire rights of Spain over these regions, and that when she succeeded Spain was possessed of sovereign rights, the question is certainly worth examination, whether the right to exclude American vessels and American citizens from the fisheries there is incident to such a succession to sovereignty.

The ocean fishery is a natural right, which all Nations may enjoy in common. Every interference with it by a foreign power is a national wrong. When it is carried on within the marine league of the coast, which has been designated as the extent of national jurisdiction, reason seems to dictate a restriction, if, under pretext of carrying on the fishery, an evasion of the revenue laws of the country may reasonably be apprehended, or any other serious injury to the sovereign of the coast, he has a right to prohibit it; but as such prohibition derogates from a natural right, the evil to be apprehended ought to be a real, not an imaginary one. No such evil can be apprehended on a desert and uninhabited coast; therefore, such coasts form no exception to the common right of fishing in the seas adjoining them. All the reasoning on this subject applies to the large bays of the ocean, the entrance to which can not be defended; and this is the doctrine of Vattel, ch. 23, sec. 291, who expressly cites the Straits of Magellan as an instance for the application of the rule.

As to the use of the shores for the purposes necessary to the fishery, that depends on other principles. When the right of exclusive dominion is undisputed the sovereign may with propriety forbid the use of them to any foreign nation, provided such use interferes with any that his subjects may make of them; but where the shore is unsettled and deserted, and the use of it, of course, interferes with no right of the subjects of the power to which it belongs, then it would be an infringement of the right to the common use of the shores, as well as of the ocean itself, which all nations enjoy by the laws of nature, and which is restricted only by the paramount right which the sovereign of the soil has to its exclusive use when the convenience or interests of his subjects require it, or when he wishes to apply it to public purposes. It is true that he is the judge of this interest and of the necessity of using it for his public purposes, but justice requires that where no such pretension can be made the shores, as well as the body of the ocean, ought to be left common to all.

These principles seem to have dictated the articles in the treaties between the United States and Great Britain. The third article of the Treaty of Peace of 1782 declares that the people of the United States shall continue to enjoy unmolested the right to take fish on the Grand Banks, etc., and to dry and cure their fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but that when settlements

are made there they can not enjoy the right without a previous agreement with the inhabitants or possessors of the soil.

His excellency will perceive from the terms of this treaty that no rights of public sovereignty are claimed against the United States, but that the private rights of those who have settled and cultivated lands on the margin of the ocean are protected in such way as to secure their individual improvements from injury.

In the treaty of Utrecht,* France is allowed the use of the unsettled shores, for the purpose of drying fish, by certain metes and bounds.

The treaty concluded between Great Britain and Spain, in 1790, already alluded to, is to be viewed, in reference to this subject; because both nations, by restricting themselves from forming settlements, evidently intended that the fishery should be left open, both in the waters and on the shores of these islands, and perfectly free, so that no individual claim for damage, for the use of the shores, should ever arise. That case, however, could scarcely occur, for whales are invariably taken at sea, and generally without the marine league, and seals on rocks and sandy beaches, incapable of cultivation. The stipulation in the treaty of 1790 is clearly founded on the right to use the unsettled shores for the purpose of fishery, and to secure its continuance.

When the unsettled shore, although under the nominal sovereignty of a civilized nation, is in fact possessed by independent, uncivilized tribes, the right to exclude other nations from the use of the shores is on a much less stable footing.

* * * * *

The following conclusions, from the premises laid down, are inevitable:

1. That the right of the United States to the ocean fishery and in the bays, arms of the sea, gulfs, and other inlets capable of being fortified, is perfect and entire.

2. That the right of the ocean within a marine league of the shore, where the approach can not be injurious to the sovereign of the country—as it can not be on uninhabited regions, or such as are occupied altogether by savages—is equally perfect.

3. That the shores of such regions can be used as freely as the waters: a right arising from the same principle.

4. That a constant and uninterrupted use of the shores for the purposes of a fishery, would give the right, perfect and entire, although settlements on such shores should be subsequently formed or established.

* * * * *

If regions, never occupied or brought under any positive jurisdiction, without garrisons, or naval forces, or inhabitants, are to be occupied and brought under civil or military rule, and those who have enjoyed the privilege of a free fishery there are to be excluded from that privilege, it is incumbent on the nation assuming such powers to give official notice to the resident representatives or to the governments of all nations with whom relations of amity are maintained, before any acts of violence, in assertion of such sovereign rights, can be justified. A warning to individuals is not enough, for that is not a general notice; and individuals not warned may incur forfeitures and penalties without any knowledge of their liabilities; and their governments, equally ignorant, could take no [preventative] measures for their security.

* * * * *

These remarks, touching the original rights of Spain and the derivative rights of the Argentine Republic, the rights of free fishery, and the propriety of notice when dormant and unclaimed rights are asserted and resumed, are offered for the consideration of his excellency.

* * * * *

If the Argentine Republic can show conclusively that Spain was possessed of rights over the Falkland Islands, Tierra del Fuego, Cape Horn, and the islands adjacent in the Atlantic Ocean of such a high and sovereign character as to justify the exclusion of the citizens of the United States of America from the fisheries there; if this Republic can show that Spain has relinquished, renounced, or in any way lost her sovereign rights to the regions above mentioned, and that such sovereignty has become absolutely vested in herself, and if she can further show that, having acquired such rights, and being about to exercise them, by inflicting penalties and forfeitures upon the persons and property of the citizens of a friendly nation, for exercising privileges which they had been long accustomed to use, she is justified in withholding all official notice of the acquisition of such rights and of her intention so to exercise them from the government or the resident representative of such nation, then, although the American Government might have some reason to complain of unceremonious and unfriendly treatment, there might, perhaps, have been no cause of complaint, on the ground of a violation of positive rights.

RUSSIAN DOCUMENTS.

A—RELATING TO THE NUMBER OF SEALS KILLED ON ST. PAUL ISLAND, 1860-1866.

No. 1.

Letter from the chief manager of the Russian American Colonies to the board of administration of the Russian American Company. Written from the Colonies, March 29, 1860.

* * * * *

In the meantime being desirous of increasing the seal catch I instructed the managers of the Pribilof Islands to take 50,000 to 60,000 sealskins every year.

* * * * *

No. 2.

Letter from the chief manager of the Russian American Colonies to the manager of the island of St. Paul. Written from Sitka, May 5, 1860.

To increase the capacity of the island intrusted to your management, by means of volunteer hunters, I have ordered an increase in the number of employés, and you will receive this summer, by the ship *Cesar-vitch*, lumber for the construction of a shed and a drying room. The construction of the shed and the drying room must be in exact conformity with the purpose for which they are intended; and I therefore direct you to be guided by local circumstances, after consultation on the subject with Lieut. Wehrmann, as the annual seal catch must be increased to 60,000.

* * * * *

I again order you to kill from 50,000 to 60,000 seals every year.

No. 3.

Letter from the chief manager of the Russian American Colonies to Lieut. Wehrmann. Written from Sitka, May 3, 1860.

CONCERNING SEALS.

By direction of the board of administration, I instructed the manager of the island of St. Paul, Repin, to kill from 50,000 to 60,000 seals every year.

In the meantime, seeing from the report of Manager Repin that, in 1859, the seal catch was unsuccessful, owing to the fact that the cows arrived late and without young, I respectfully request your excellency to ascertain on the spot whether it is possible to take 50,000 to 60,000 sealskins every year without injury to the industry for the following years, and to permit him to take such a number as you may think expedient.

No. 4.

Letter from the chief manager of the Russian American Colonies to the manager of the island of St. Paul, Milovidof. Written from Sitka, March 15, 1861.

* * * * *

I direct you henceforward to prepare the following quantity of seal-skins every year, and to send them to New Archangel, 25,000, dried in the same way as has been done hitherto, and 25,000 salted, the preparation of which must be performed by the new method, in accordance with the directions inclosed herewith.

The attention of the board of administration is especially turned to the seal catch at the present time, and you will therefore bestow the greatest care upon it, and not fail to ship the 50,000 skins hereby ordered.

You must make requisition on the New Archangel factory for the salt needed for salting the skins, as well as for other articles in sufficient quantity at the proper time.

In case you notice a diminution in the number of seals, and find it impossible to take as many as 50,000 without too great impoverishment (of the rookeries), you will immediately report to me; and you will also report every year whether it is not possible to take more than 50,000 sealskins.

In killing the seals be careful to take the large and medium-sized ones, as circumstances may direct; and you are permitted to kill 4,000 gray seals every year, in order to procure the oil, which, as you are aware, the natives use for their necessities, and you will ship as much of it as possible to Unalaska and New Archangel.

* * * * *

Make your reports short, but clear. Report every year on the following subjects:

The increase or decrease of the seal and sea-lion rookeries; the amount of seal meat, oil, and other supplies secured; all vessels coming in sight of the island, etc.; after the example of the former manager, Shalshnikof.

Send every year a list of all the paid employés and hunters, together with your remarks on each, and recommend those who are deserving of a reward, and keep a yearly journal of the management of the seal-killing and of the work done.

I place upon you the personal responsibility of keeping watchmen on the rookeries constantly during the summer, in order to prevent the whalers and all other foreigners from landing on the coast, and to prevent the natives and the employés from having any commercial transactions whatever with them.

* * * * *

No. 5.

*Letter from the chief manager of the Russian American Colonies, Furu-
helm, to the board of administration of the Russian American Company.
Written from the Colonies, October 14, 1861.*

* * * * *

In the course of this year 47,940 sealskins have been taken from the islands of St. Paul and St. George, of which number 24,943 salted, 3,000 bachelors, dried, and 2,500 grays have to be sent to New York; and 12,000 dried skins will now be sent by the ship *Czaritza* to Cronstadt.

* * * * *

No. 6.

*Letter from the chief manager of the Russian American Colonies Furu-
helm, to the board of administration of the Russian American Company.
Written from the Colonies, November 17, 1862.*

* * * * *

In spite of the great slaughter of seals on St. Paul and St. George, they are every year occupying more space with their rookeries; and I therefore permitted the manager to take 75,000 skins on the former island, instead of 50,000; and on the latter 5,000, an increase of 2,000. Seeing now, however, that the demand for sealskins for New York does not go beyond 20,000, I will alter this arrangement, and instruct him to prepare 25,000 salted sealskins and 20,000 dried on St. Paul and not to take more than 3,000 on St. George, as heretofore. The sealskins remaining over can not spoil, as they are thoroughly salted.

* * * * *

No. 7.

*Letter from the board of administration of the Russian American Com-
pany to Captain of the First Class and Knight Ivan Vasilievitch Furu-
helm, chief manager of the Russian American Colonies. Written from
St. Petersburg, February 14, 1863.*

The board of administration, noting in dispatch No. 465, of November 17, 1862, your arrangements for killing a larger number of seals on the islands of St. Paul and St. George, to wit, on the former, 70,000, instead of 50,000, and on the latter 5,000, respectfully requests your excellency to give orders that the said arrangements be kept in force, as the board will not fail to adopt the necessary measures for the sale of these furs.

No. 8.

Letter from the chief manager of the Russian American Colonies, Furuhelm, to the board of administration of the Russian American Company. Written from the Colonies, October 8, 1863.

CONCERNING THE QUANTITY OF FURS TAKEN DURING THE CURRENT YEAR IN THE KADIAK DISTRICT AND ON THE ISLANDS OF UNGA, UNALASKA, ST. PAUL, AND ST. GEORGE, AND AT FORT MICHAEL.

By the vessels which carried supplies to the Kadiak district and the islands of Unga, Unalaska, St. Paul, and St. George, and to Fort Michael, and which have now returned to New Archangel, I received reports from the Kadiak factory and the managers of the above-named places with regard to their prosperous condition and the quantity of furs obtained during the current year, viz:

In the Kadiak district: The United Kadiak party, which was engaged in hunting sea otters in Kenai Bay, could not visit the best places for sea otters, owing to the constant bad weather, and consequently its catch was extremely small in comparison with former years in that bay, and amounted only to 253 sea otters.

The hunt was, on the whole, very successful on the islands of Unga and Unalaska and at Fort Michael.

In the course of last year trading expeditions were sent from Fort Michael to Quickpack River, and from Nulato Station to Lake Minotog. By the latter expedition 1,453 skins of different kinds were obtained and were left at that station to be kept until the summer of next year, 1864.

The manager of the island of St. Paul reports that the seal and sea-lion rookeries are increasing, in spite of the considerable numbers killed on them; the white foxes, on the contrary, have been diminishing in numbers.

 No. 8b.¹

Letter from the chief manager of the Russian American Colonies to the manager of the island of St. Paul. Written from Sitka, May 1, 1864.

* * * * *

As to No. 32. —In my instructions No. 249 of last year I fixed the number of fur-sealskins to be taken by you in each year. By order of the board of administration I revoke said instructions No. 249, as well as all previous instructions concerning the catch of fur-seals, and I now direct you to take hereafter, annually, as many as 70,000 fur-sealskins, 25,000 of which must be dried and the remaining 45,000 salted, according to the new directions in your possession.

You must take the 70,000 skins now ordered to be prepared, only in case no decrease in the numbers of the animals is observed; otherwise you must immediately advise me for the purpose of having the number reduced, with a view to the preservation of the seals for the years to come.

As these instructions will reach you late in the season, and as you

¹ For the facsimile of this document, see No. 31 of the facsimiles published in Vol. I of the Appendix to the Case of the United States.

will consequently be unable to prepare the whole quantity of fur-seal-skins now required, I have to request that you will endeavor to take and salt not less than 10,000 skins during the time occupied by the trip of the vessel from St. Paul to Fort Michael and back, and to put them on board of the vessel on her second visit to St. Paul. Last year you sent only 14,000 dried skins, while the order was to send about 20,000. In future you must endeavor to strictly fill orders.

* * * * *

No. 9.

Letter from the board of administration of the Russian American Company to the acting chief manager of the Russian American Colonies. Written from St. Petersburg, March 8, 1865.

In dispatches Nos. 1004, of November 8, 1864, 1110, of December 11, 1864, and Nos. 43, 79, and 81, of January 18 and 28, 1865, the board of administration had the honor to notify you of its decision with regard to the taking of sealskins.

In sending you now for your information a copy of the contract concluded with Messrs. Oppenheim & Co., of London, for the additional sale to them, in the course of 1866-'67-'68, of 10,000 salted fur-sealskins, it has the honor to request you respectfully to instruct the persons whom it may concern to carry out the following directions:

1. To take as many as 53,000 sealskins in 1865 and 1866, and of these to dry 23,000 and to salt 30,000; and in 1867 and 1868 to increase the number of dried skins by 2,000 a year.

2. Of this number you will send:

(a) To London to Messrs. John Morris Oppenheim & Co. 30,000, to wit, 20,000 to 21,000 contracted for with Messrs. Shepler & Co., two-thirds of which must be salted and one-third dried, and 10,000 salted, contracted for by them with Messrs Oppenheim & Co.

(b) By way of Ayan to Irkutsk for the Kiachta market from 5,000 to 6,000 dried skins.

(c) To Cronstadt in 1865 and 1866, 16,000, and in 1867 and 1868, 18,000 dried skins.

3. In shipping (the skins) observe the following rules:

(a) The 15,000 or 16,000 intended for shipment around the world to Cronstadt must all be of the proper size, to wit: Large, medium, and small young bulls and bachelors, without any mixture of grays.

(b) In assorting (the skins) for Irkutsk, begin with the medium and small bachelors and add a small quantity of the largest grays.

(c) (Set apart) about 6,000 dried skins for London, of the same size as for Russia, but there must be no "yearlings," that is, small grays, among them.

(d) In salting the 25,000 skins called for by the two contracts and intended for shipment to London, you must begin with the medium and small bachelors and the third size of large grays, which, as you know, are more than one year old. At the same time you must bear in mind that the young bulls and the large bachelors must not be salted, as, according to information received, salted skins are not fitted for the London mode of dressing.

* * * * *

No. 10.

Letter from the chief manager of the Russian American Colonies to the manager of St. George. Written from Sitka, May 6, 1865.

* * * * *

It has come to my knowledge that white seals have been seen on the Pribilof Islands; you are therefore instructed to kill them indiscriminately, in order to prevent their spoiling the race of the genuine seals.

Altering the instructions given last year in my No. 145 with regard to the killing of seals, you are instructed to kill in 1866, for shipment to New Archangel (Sitka), 2,000 to be salted and 1,000 to be dried; in all, 4,000 (*sic*).

 No. 11.

Letter from the chief manager of the Russian American Colonies to the manager of St. Paul. Written from Sitka, May 6, 1865.

* * * * *

It has come to my knowledge that white seals have made their appearance on the Pribilof Islands; you are therefore instructed to kill them indiscriminately, to prevent their spoiling the race of the genuine seals.

Altering the instructions given you in my No. 145 of last year with regard to the killing of seals, I instruct you to take in 1866, for shipment to New Archangel (Sitka), 20,000 sealskins to be salted and not more than 25,000 to be dried.

* * * * *

 No. 12.

Letter from the chief manager of the Russian American Colonies to the manager of the island of St. Paul. Written from Sitka, April 4, 1866.

* * * * *

I instruct you to take next year, 1867, the following amount of seal-skins, and to prepare them as follows: 20,000 salted sealskins; 30,000 dried sealskins; in all, 50,000.

 No. 13.

Letter from the chief manager of the Russian American Colonies to the manager of the island of St. George. Written from Sitka, July 23, 1866.

* * * * *

You are directed to take and prepare next year, 1867, 2,000 salted sealskins, 2,000 dried sealskins; in all, 4,000.

* * * * *

No. 14.

Letter from the chief manager of the Russian American Colonies to the manager of the island of St. Paul. Written from Sitka, August 10, 1866.

You are instructed to continue the seal catch in the following manner:

1. Twenty thousand salted sealskins every year, and
2. Next year, 37,000 dried sealskins, and in the following years, if you have no special instructions, 30,000 every year. Do not kill any small gray seals in future.

* * * * *

No. 15.

Letter from the chief manager of the Russian American Colonies to the manager of the island of St. Paul. Written from Sitka, April 9, 1867.

* * * * *

The board of administration has notified me that Messrs. Oppenheim & Co., after receiving the sealskins sent by us, expressed the wish that only salted sealskins be sent them; and you are therefore instructed to prepare 40,000 salted sealskins for the summer of 1868, and to stop drying the skins for the present.

Send to Sitka all the dried sealskins which you have on hand, and, in addition, send this year 35,000 salted sealskins, which are needed, according to the last dispatch of the board of administration, instead of dried ones.

If I did not instruct you last year not to kill the gray seals, you are now instructed not to kill any of them, as a very large quantity of gray sealskins have accumulated at New Archangel.

* * * * *

B.—RELATING TO THE VISITS OF FOREIGN WHALERS TO BERING SEA.

No. 16.

Letter from the board of administration of the Russian American Company to Captain of the Second Rank Nicholas Yakovlovitch Rosenberg, chief manager of the Russian American Colonies.

No. 897.]

JULY 13, 1850.

In reply to your predecessor's dispatch No. 464, of October 15, 1849, the board of administration has the honor to inform you that the circumstances stated therein in regard to the visiting of the island of St. Paul by foreign whalers, as well as the interrogatory papers, have been communicated to our minister in the United States, with the request that steps may be taken to prevent the Americans from invading the integrity of the Russian limits and of the property rights of the company. At the same time the board of administration expects that you,

like your predecessor, have taken all necessary measures for guarding the Pribilof Islands, which are of such importance to the company, from a repetition of similar attempts on the part of foreigners; and until the clearing of those waters from whalers by means of a war cruiser, of whose sending the board has already received information, you are directed to order the company's cruisers to pay particular attention to the Pribilof Islands.

Signed in the original:

V. POLITKOVSKY, *Presiding Officer.*

V. KISHIRIN.

N. KUSOF.

No. 17.

Letter from the board of administration of the Russian American Company to Captain of the Second Rank Nicholas Yakovlovitch Rosenberg, chief manager of the Russian American Colonies.

No. 561.]

APRIL 18, 1852.

In transmitting to the governor-general of eastern Siberia the contents of your dispatch No. 501 (May 24, 1851) concerning the visits of foreign whaleships to the colonial seas, the board of administration requested his excellency, in order to save the company from injury caused by such occurrences, to issue instructions making it the duty of such armed cruisers as his excellency, may have at his disposition to patrol the colonial seas, especially around the Commander Islands, where, as you report, the foreign whalers assemble in great numbers in the summer season.

Informing you of this, the board of administration would instruct you at the same time to fit out a company's cruiser independently of the naval cruiser and to instruct it to cruise in those places where, on closer investigation, it may appear to you necessary.

Signed in the original:

V. POLITKOVSKY, *Presiding Officer.*

V. KLUPFEL, *Member.*

A. ETHOLIN, *Member.*

N. KUSOF, *Member.*

WRANGELL, *Member.*

SEIZURES OF AMERICAN AND BRITISH VESSELS BY RUSSIA IN 1892.

[Extract from the Victoria News of August 31, 1891.]

RUSSIAN PIRACY—SEALERS TAKEN IN THE OPEN SEA—THREE VICTORIA CRAFT SEIZED AND THEIR CREWS THREATENED WITH SIBERIA—A 'FRISCO VICTIM ALSO.

Startling story of outrage, insult, and pillage.—The captured crews turned heartlessly adrift.—To secure passage home they sign away everything.—How they arrived at Victoria.

The Russian Government is following much the same high-handed policy as that pursued by the United States regarding the sealing matter. The officers of the Czar have perpetrated an outrage in that connection that for wantonness exceeds even the acts of the United States' vessels.

The Victoria schooners, *Rosie Olsen*, *Ariel*, and *Willie McGowan* and the San Francisco schooner *C. H. White*, have been seized upon the high seas by the man-of-war *Zabiaka*. The seizures took place nearly 50 miles south of Copper Island and in the open ocean, July 18 and and July 28.

Notwithstanding the vigorous protests of the respective captains they and their crews were made prisoners and taken to Petropaulovsk, where they were turned loose upon the beach without either food or shelter. Their schooners were confiscated, and threats made that the captains would be sent to the salt mines of Siberia if they made any protests.

Finally the entire complement of the four vessels were taken off by the American bark *Majestic* on August 9, and reached Royal Roads yesterday afternoon.

* * * * *

[Extract from the Victoria News of September 10, 1892.]

MORE RUSSIAN SEIZURES—THE VANCOUVER BELLE GONE,

Besides other schooners not yet identified.—The lost boats' crews picked up by the Russians.

Four more sealing vessels, including three Canadian and one United States craft, have been seized by the Russians in the vicinity of Copper Island, and several missing boats are supposed to have met with the

same misfortune. This news was brought by the sealers *E. B. Marvin* and *W. P. Sayward* which arrived in port yesterday, and renewed the excitement created in Victoria by the first intelligence of the Russian outrages. The names of the vessels latest seized have not yet been ascertained, except that the *Vancouver Belle* from Vancouver is known to be one of them; the other Canadians are supposed to be the *Maud S.*, *Geneva*, or *Dora Seward*—two of these three—though this is not positively known. The owners of the *Marvin* and *Sayward* were amongst the happiest men in Victoria yesterday when they learned that their smart little craft were at the entrance to the harbor.

[Extract from the London Standard of September 10, 1892.]

THE CAPTURED SEALERS.

[From our correspondent.]

OTTAWA, *Friday night.*

The minister of marine is preparing a case to submit to the British Government relative to the seizure of Canadian sealers by the Russian cruisers off Copper Island. He says the seizures were made, not in Bering Sea, but in the North Pacific, and that they are most glaring violations of the treaty between Russia and Great Britain in 1888 (*sic*).

[From the London Financial Times, of September 15, 1892.]

THE SEIZURE OF SEALERS BY RUSSIANS.

VICTORIA, BRITISH COLUMBIA, *13th September.*

A comparison of the statements made by the captain of the Russian cruiser which seized a number of Canadian sealers in the Northern Pacific and the regular charts prepared by the agents of the marine department shows that the schooner *Willie McGowan* was 42½ miles from the nearest land when seized. The *Rosie Olsen* also appears to have been 38 miles and the *Ariel* 30 miles out at sea. The sealer *Agnes Macdonald* arrived here to-day and reports that when 20 or 30 miles from Copper Island she put out her boats, which were, however, soon driven in by the Russians. The *Vancouver Belle* and other vessels have been seized, all they contained being confiscated. The Russians are said to have declared that they would seize the British schooners wherever they found them, no matter what distance from the shore. The sealer *Libbie* will probably make a trip to the Southern Pacific.—*Reuter.*

[Extract from dispatch of United States Consul Myers to the Assistant Secretary of State, dated Victoria, October 8, 1892.]

The British vessels reported as seized by the Russians off Copper Island are the *Carmelite*, *Willie McGowan*, *Rosie Olsen*, *Vancouver Belle*, *Ariel*, and *Maria*.

Letter from Collector Milne, of Victoria, to the Canadian minister of marine and fisheries.

[Published in the London Times of November 11, 1892.]

VICTORIA, B. C., October 8, 1892.

The COLLECTOR OF CUSTOMS, *Victoria, B. C.*:

SIR: AS requested by you, we have measured the distance on the chart of Bering Sea, as given by you, showing the exact places where the three British schooners were seized by the Russian cruiser *Zabiaka* and the Russian Fur Company's steamer *Kotik*.

Schooner *Willie McGowan*, latitude $50^{\circ} 50' N.$, longitude $167^{\circ} 50' E.$, a distance of $42\frac{1}{2}$ miles from Copper Island, the nearest land.

Schooner *Rosie Olsen*, latitude $54^{\circ} 24' N.$, longitude $165^{\circ} 40' E.$, a distance of 38 miles from Bering Island, the nearest land.

Schooner *Ariel*, latitude $54^{\circ} 10' N.$, longitude $167^{\circ} 40' E.$, a distance of 30 miles from Copper Island, the nearest land.

Yours, respectfully,

JAMES GAUDIN.
J. G. Cox.

Sworn statement of Captain Furman, of the schooner C. H. White, seized by the Russian Government in 1892.

STATE OF CALIFORNIA,

City and County of San Francisco, ss :

LAWRENCE MAGNUS FURMAN, being duly sworn, deposes and says as follows, to wit:

My full name is Lawrence Magnus Furman; I am 37 years of age; I was born in the city of Gottenburg, Sweden; I am now a resident, and at all the times when the events took place in regard to which I make this affidavit I was a resident of the city and county of San Francisco, State of California; I am now and at all the times when the events took place in regard to which I make this affidavit I was by occupation a master mariner; I have an interest in the claim of the Eagle Fishing Company against the Russian Government, to support which claim I make this affidavit; that interest is as follows: I own one share of the capital stock of the Eagle Fishing Company, and am a director thereof; I have no contingent interest in said claim other than should said Eagle Fishing Company recover damages, I will receive a dividend of the amount recovered as owner of said share of stock. There are fifteen hundred shares of the stock of said corporation now in force. I am not the agent or attorney for the said claimant, or for any person having an interest in said claim. I am a duly naturalized citizen of the United States of America, but I can not now produce a certified copy of the record of my said naturalization but will hereafter produce the same if necessary.

I was on the 7th day of May, A. D. 1892, the duly acting and qualified master of the American schooner *C. H. White*, belonging to said Eagle Fishing Company, which said vessel on said day duly cleared from said port of San Francisco for a hunting and fishing voyage in the North Pacific Ocean, having at the time all the necessary and requisite legal papers on board, as will more fully and at large appear by the memorial and papers on file

Voyage of schooner
C. H. White.

herein. On said day I as master, as aforesaid, did in and with said schooner set sail and depart from the said port of San Francisco, bound for the North Pacific Ocean, said vessel being at that time, and at all the times hereinafter mentioned, seaworthy and in all respects fit for the voyage which it took as herein mentioned; I proceeded with said vessel and crew on my voyage without disaster of any kind until the 15th day of July, A. D. 1892, and prior to said day and in the open Pacific Ocean, more than 30 miles south of the Aleutian Islands, and not in Russian waters, had caught eight barrels of mackerel and one ton of codfish, and had killed twenty seals, all of which were caught and killed on the voyage from San Francisco and more than 30 miles south of the Aleutian Islands, and not in Russian waters; I, with said vessel and crew, on or about the 12th day of July, A. D. 1892, being then fishing about 40 miles south of Agattou Island, one of the Aleutian Islands, set sail for the Kuril Islands off the coast of Japan, intending to fish there, and knowing that my chronometer was out, wanted to sight land to correct the chronometer, and accordingly deviated toward the Copper and Bering islands for the purpose of sighting them, or one of them, and correcting my chronometer, as aforesaid, and on the 15th day of July, arrived at latitude $54^{\circ} 18'$ north, longitude $167^{\circ} 19'$ east, by correct observation, and had not fished or sealed in said place, nor at any place within 50 miles thereof, or in Russian waters at all, and the wind being light, but the vessel sailing on its course, as aforesaid, and no boats being out from said vessel, either for hunting or fishing, and no one from said vessel being either hunting or fishing.

Said latitude $54^{\circ} 18'$ north, longitude $167^{\circ} 19'$ east is, by correct observation measured by me, on the United States Coast

Seizure of schooner. Survey Chart, No. 900, more than 80 miles from Copper or Bering islands on the high seas, and not in Russian waters; when at said time, and in the latitude and longitude above mentioned, on the 15th day of July, A. D. 1892, as aforesaid, and not being at the time hunting or fishing, and not having at any time fished or hunted seals in Russian waters, but being at said time on my course for the Kuril Islands, as aforesaid, the said schooner was boarded by an officer from the Russian war cruiser *Zabiaca*, which said war cruiser *Zabiaca* was at all times herein mentioned, a regularly commissioned war cruiser belonging to the Russian Government, armed for offensive and defensive warfare, and acting under the authority and by the directions of the said Russian Government; and I was by said Russian officer ordered to come on board of said cruiser with all the schooner's papers; I accordingly went on board, and the captain of said cruiser, after examining the schooner's papers, arrested me, and then had all the crew of said schooner, except the mate, brought on board of said cruiser, and I and the crew of the schooner were kept on said cruiser as prisoners. The said Russian cruiser then and there seized said schooner *C. H. White*, and towed it to Nichelovsly Bay, Bering Island, and then placed said schooner under a prize crew and sent it to Petropaulovsky, and the cruiser, with me and the crew of said schooner as prisoners, sailed to Petropaulovsky and arrived there on the 20th day of July, A. D. 1892; and while on board of said cruiser, I was by the captain of said cruiser forced to sign a paper in Russian, which I did not understand, the said captain threatening to send me to Siberia unless I signed said paper, and I only signed said paper under protest in consequence of said threat and the duress exercised by said captain of said cruiser.

The Russian Government seized said schooner *C. H. White*, as herein-

before set forth, but I do not know what disposition was made of said schooner, but I am advised and believe and therefore allege, that said schooner was repainted and refitted and used by said Russian Government, and is now in its possession, and by it used.

I, as master of said schooner *C. H. White*, duly protested at the time to the captain of the said war cruiser against the seizure of said vessel, and against all his other acts herein Protest. testified in regard to, and on the 5th day of August, A. D. 1892, I, as master, duly noted a protest against said seizure and said acts with the governor of Petropaulovsky, and I, as said master, on the 31st day of August, A. D. 1892, duly made a regular marine protest against said seizure to James G. Swan, a notary public in and for Port Townsend, State of Washington, United States of America, immediately upon my arrival at said city, and said city being the first place in the United States at which I arrived.

LAWRENCE M. FURMAN.

Subscribed and sworn to by the said Lawrence M. Furman, known by me to be a credible witness, before me this 3rd day of November, A. D. 1892.

HARRY J. LASK.

Notary Public in and for the City and County of San Francisco, State of California.

OFFICIAL REPORTS.

REPORTS OF CAPTAIN HOOPER.

Orders to Captain Hooper.

U. S. S. YORKTOWN, Third Rate,
Unalaska, July 18, 1892.

Captain C. L. HOOPER, U. S. Revenue Marine,
Commanding U. S. Revenue Cutter Corwin:

SIR: When you have filled up with coal, and the vessel under your command is in all respects ready for sea, you will proceed to the Pribilof Islands, and having communicated with the Treasury agents, and received on board Professor Townsend, you will run on radiating lines from that island in order to obtain the information requested in the inclosed communication, addressed to Captain Tanner, of the U. S. Fish Commission steamer *Albatross*.

You will run the first line directly west from St. Paul and continued on that line until you are satisfied that you have passed the outer limit of the seal herd; you will then steam south until the island bears east by north, when you will head directly for it and continue your course until you reach it. Continue this work until you run out on a south course. You will then reverse this operation and follow the compass around until you reach the north point.

Continue cruising in this way until it is necessary for you to return to Unalaska for coal. When recoaled resume this work and continue it until you receive further instructions.

You will consider this duty as in addition to your work as a cruising vessel, and you will use your utmost endeavor to obtain the information required.

If at any time you have reason to suspect that sealing vessels are about drop all other work and capture them.

You will receive from the Fish Commission steamer *Albatross* such portion of her sealing outfit as you may require.

Very respectfully,

R. D. EVANS,
Commander U. S. Navy,
Commanding U. S. Naval Force in Bering Sea.

*Report of Captain Hooper, dated August 17, 1892.*REVENUE MARINE STEAMER CORWIN,
Port of Unalaska, August 17, 1892.

Commander R. D. EVANS, U. S. N.,

U. S. S. Yorktown, Com'd'g. U. S. Naval Force in Bering Sea:

SIR: I have the honor to submit the following account of the movement of this vessel since July 23d, upon which date we entered, in obedience to your orders, dated July 19th, 1892, upon the unfinished duties assigned to the U. S. Revenue steamer *Albatross*, that vessel having been ordered home on account of a defective boiler. The delay in the *Corwin's* departure upon this duty was due to a short trip made to the vicinity of False Pass, in obedience to your verbal orders to proceed to and guard False Pass until the arrival of the *Yorktown*.

At 4 p. m., July 23d, having made all preparations for a cruise, we hauled away from the wharf at Dutch Harbor, and taking the American bark *General Fairchild* in tow, steamed out of the harbor. Gave the bark an offing of about 10 miles; cast off and steered for St. George Island in a thick fog. At daylight on the following morning (24th), fog thinning out a little, made sail and stationed a seal lookout; wind increasing to a strong breeze. At meridian passed American whaling brig *Francis A. Barker*. Too rough to board her. At 3:15 p. m., fog very thick and sea rough, vessel, by reckoning, 22 miles from St. George, took in flying jib and topsail, and stopped engine; sounded in 50 fathoms water, sounding every half hour, water shoaling gradually to 34 fathoms, when, the fog thinning a little, we caught sight of a small patch of sun and a minute later the land came in sight close aboard and we were able to recognize Sea Lion Point, near the east end of St. George. At 7:30 p. m. came to anchor off the village; too rough to communicate with the shore. The North American Commercial Company's steamer *Bertha* came in and anchored a few minutes later. She reported seeing a schooner off Sea Lion Rocks, St. Pauls, as she came away from the island. During the day scattering seals were seen increasing in numbers as we approached the island.

July 25, at 1 a. m., we got under way from St. George and went over to St. Paul, where we arrived and "came to" off east anchorage at 6 a. m., weather thick, wind moderate from the west; saw scattering seals on the passage between the islands. Sent an officer on shore to communicate with agent. At 7 officer returned and reported the U. S. S. *Yorktown* at anchor 2 miles off South West Bay. Got under way and went around to South West Bay, anchored near the *Yorktown*, and reported to you in person. The sea being too rough to admit of landing, both vessels changed position to east anchorage, where the landing was very good. In company with you a part of the day was spent on the island. In the evening the U. S. S. *Adams* came in and anchored for a short time. After communicating with the flagship and sending some mail for the island on board the *Corwin* she got under way and steamed to the southwest.

July 26, wind southwest with fog; sent on shore the mail for the island left by the *Adams* and landed Mr. Townsend, who wished to continue his observations upon the seals on shore for a few days.

At your request I sent the seal-hunter, Hodgson, on board the *Yorktown* that he might be taken to Unalaska to identify Hanson, the master of the seized schooner *Winifred*, as the same man who when in charge of the schooners *Adele* and *Borealis* had raided the seal islands. At 11 a. m. got under way and steamed over to St. George; arrived

and came to anchor off the village at 3:20; found the North American Commercial Company's steamer *Bertha* at anchor. Wind fresh southwest, sea rough; could not make a landing; seals playing around the vessel, but not numerous. Saw no seals between the islands five miles from either.

On the 27th we lay at anchor off the settlement all day. Wind southwest and overcast. Sea going down. Landed and communicated with the Treasury agent in charge. I observed a decided falling off in the number of seals on the rookeries on the north side of the island as compared with last year. I also observed a falling off of the number of seals in the water in the vicinity of both islands as compared with last year. This is particularly noticeable when going back and forth in the boats between the vessel and the shore, the numbers having fallen off greatly. At 11 a. m., the U. S. S. *Adams* came in and anchored off the village, and two hours later the *Mohican* stood in; stopped off the anchorage and sent mail for the island on board the *Adams*, after which she proceeded in the direction of St. Paul. One fur-seal was shot from the vessel for examination. It proved to be a three-year old male with an empty stomach. The pelt was salted (Catalogue No. 1). Towards evening weather improving. At midnight got under way and steamed to the northward.

Decrease in seals.

At 6 a. m. (28th) hauled in for St. Paul. At 8 made Northeast Point. Steamed along the north side of the island. Saw numerous seals in the water off Northeast Point rookery; 11:30 arrived off the village, east anchorage, and came to anchor. The *Mohican* got under way as we arrived and steamed to the westward. Landed and communicated with Treasury agent. Naturalist Townsend returned to the vessel. We also took on board an Aleut to hunt during the absence of our regular hunter. At 5:30 p. m. the *Adams* arrived and came to anchor near us; made an official visit to her. At 8 p. m. got under way and steamed to the westward during the night.

At 9 a. m. the following morning, lat. 51-21 N., long. 172-35 W. (July 29th), stopped the vessel and lowered the otter boat and sent out hunting party. The boat, being so badly fitted that she would do nothing under sail, was called alongside again and hoisted up. The day was spent in getting the boat properly fitted. The step of the mast was changed, the mainsail altered and a jib made, oars properly fitted, etc. In order to make our sealing outfit as efficient as possible, a good man was selected from each watch to act as boat steerer and boat puller. They were relieved from night watch, and when not in the boat are required to keep a seal lookout on the bridge in turn every two hours from 5:30 in the morning until 8 p. m.

At one p. m., lat. 57-27 N., long. 173-32 W., sent the dingy out with the Aleut hunter with orders to cruise till 5 p. m. At the time named she returned with nothing. They reported having seen but two seals, both traveling and moving too quick to be shot. No sleeping seals were seen during the day. Between 6 and 8 p. m., 120 to 135 miles off St. Paul, numerous seals were seen—yearlings, two-year olds, and full-grown seals; also saw a large number of "killers" (Orca).

July 30th, light southerly wind and overcast. At 3 a. m., having run up a distance of 200 miles from St. Paul, ran south until 8:20 a. m., when St. Paul bearing E. by N., shaped course for it and made fore and aft sail. At 10 a. m., moderately southerly breeze, made all sail and uncoupled propeller. Seals were seen at intervals during the day, but few sleeping, the sea being probably too rough for them to sleep much. At 4 p. m., wind falling light, coupled up propeller, sea going down.

July 31, at daylight, lat. 57-07 N., long. 172-09 W., seals quite numerous, but not sleeping. Sent otter boat out, but she returned at breakfast time with nothing. After breakfast sent otter boat out, Naturalist Townsend volunteering to act as hunter in place of the Aleut hunter, who on account of inflammation of one eye could not shoot.

Seals caught and examined.

Also sent dingy with quartermaster to act as hunter. Each got one seal, a three-year-old male (Cat. No. 2), and a female of the same age with milk (Cat. No. 3). The latter was sleeping near the vessel and was easily approached and shot. Several shots were fired at playing seals and a few at sleepers, but only the two were taken. At 1 p. m., after taking up the boats, shaped a course for St. Paul Island. Wind moderate, thick fog shut down. About 4 p. m., lat. 57-07 N., long. 171-46 W., a three-year-old male seal which came up near the vessel was shot and killed (Cat. No. 4). The three seals taken this day were prepared for mounting, and the uterus and udder of the female preserved in alcohol. The stomach of No. 2 was entirely empty; that of No. 3 containing the bones of some small fish. In the stomach of No. 4 was found only two small shells, each containing a tiny hermit crab.

At 7:30 p. m., calm and thick, came to with a kedge in 40 fathoms of water in order to maintain our position during the night. Found a slight easterly current. August 1 commences with light easterly airs and thick fog. At 7:30 a. m. hove up kedge and steamed in slowly toward Otter Island, which by account bore ENE., distant 10 miles. At 8:30 Otter Island, by account bearing ENE. 4 miles distant, lead indicating that we were somewhat nearer; fog very dense with no indication of clearing, shaped course WSW. and steamed ahead. Saw seals more or less numerous during the day, but fog too thick to attempt hunting. Some came near enough to shoot from the vessel. Day ended with thick fog.

August 2 on WSW. course. Toward morning fog thinned out a little. At 8 a. m., lat. 56-43 N., long. 175-46 W., calm and overcast. Seals numerous. Stopped engine and sent out boats. The otter boat in charge of a quartermaster, and dingy in charge of Naturalist Townsend, who volunteered to go, the Aleut hunter being still troubled with an inflamed eye.

Seals caught and examined.

At meridian picked up boats, the dingy having two seals—one two-year-old female (Cat. No. 5) and a three-year-old male (Cat. No. 6). Two seals were shot and killed from the dingy and sank immediately. The uterus of No. 5 was preserved in alcohol; the stomach contained codfish. The stomach of No. 6 contained fish scales and a squidbeak. The skin of each was prepared for mounting. Mr. Townsend in the otter boat had succeeded in taking 3 seals, one cow with milk (Cat. No. 7), a two-year-old male (Cat. No. 8), and a full-grown male, probably five or six years old (Cat. No. 9). Four seals escaped after being shot and wounded. The uterus of the cow (No. 7) was preserved in alcohol and the skin of each prepared for mounting. The stomach of No. 7 was empty. The stomach of No. 8 contained squid and that of No. 9 squid and codfish.

After running to the westward about two hours, lat. 56-45 N., long 175-58 W., the boats were again sent out hunting and returned about 5:30, the dingy with one seal, a cow with milk (Cat. No. 10) with its stomach filled with codfish and squid. Two seals shot and killed from dingy sank immediately. The otter boat brought four seals, two virgin females with empty stomachs (Cat. 11 and 12), and two females with milk (Cat. 13 and 14). The stomach

Same subject.

of No. 13 contained fish (pollock), and that of No. 14 was empty. The skin of each was prepared for mounting. After taking up the boats steamed ahead S. by E. 1-4 E. until 11:15 p. m., when a course was shaped NE. by E. for St. Paul Island, distant 200 miles. Numerous seals were in sight all day. Weather calm and overcast.

August 3, steering for St. Paul Island; wind light, sea smooth; overcast and occasional fog banks. Numerous seals were seen during the morning watch. At 8:30, lat. 36-29 N., long. 173-38 W., sent out otter boat in charge of Quartermaster Busse. Mr. Townsend volunteered to go in the dingy. At 11:30 called boats alongside. Mr. Townsend brought back two seals, a four-year-old male (Cat. No. 15) and a cow with milk (Cat. No. 16), the stomach of each containing fish, probably cod. Two shot from the dingy escaped wounded. The otter boat brought back one seal, a two-year-old male (Cat. No. 17), contents of stomach not identified. At 9 p. m., stopped engine for the night on account of fog. August 4th, thick fog all day. Working toward the land, sounding at intervals. Soundings decreased from 60 to 45 fathoms; unable to make out anything. Seals scant during the day, but more plentiful towards evening. At 8 p. m. "came to" in 40 fathoms of water with kedge and 80 fathoms of hawser. Calm and smooth sea, fog very thick.

August 5th, at 3:30 a. m., a light NE. wind sprang up and thinned out the fog a little. Made St. Paul Island, NW. Cape, bearing ESE. distant about six miles; got under way and steamed to anchorage off village. Communicated with Treasury agent in charge. At 10 left for Unalaska to coal up. At 10:30 stopped to communicate with the *Rush* and received from her our own hunter, who had been sent back by you from Unalaska. Wind fresh NE. At 3:30 passed St. George Island; did not stop. Ordered full speed at starting in order to get to Unalaska, coal up, and get to sea the following evening if possible. August 6th, made Cape Cheerful in a fog about 11 a. m. and at 2 p. m. entered the harbor, being too late to coal and get to sea the same evening. Went into the inner harbor and took on board ships' stores remaining in the warehouse. Found in port the British warship *Daphne*, having in charge the British sealing schooner *Mountain Chief*, seized by the *Adams* for sealing in Bering Sea. No U. S. vessels were in the port, being all out cruising. The *Adams* was seen steaming to the eastward as the *Corwin* entered the harbor. There was also in port the schooner *Helen*, of Seattle, with a party of prospectors on board bound for Golovin Bay, Norton Sound, and the American ship *Glory of the Seas* discharging coal for the North American Commercial Co., at Dutch Harbor. August 7th we remained at anchor in the inner harbor all day. Made official visits to the *Daphne* and later to the U. S. S. *Mohican*, which arrived from a cruise about midday.

August 8th left the inner harbor at 5:30 a. m. and steamed to Dutch Harbor and hauled alongside the wharf and filled our bunkers from the coal pile on shore, also filled tanks with fresh water. At 4 p. m. all ready for sea, but on account of strong westerly gale which was blowing we did not sail until the following morning.

August 9th, the wind having moderated, we left the wharf at Dutch Harbor and steamed to sea. At 6:30 passed Wislow, steered west, and continued on that course till 4 p. m., when the course was changed to northwest. Seals scant during the day; towards evening they appeared a little more numerous, some asleep in the water and some resting upon a raft of drift kelp.

August 10 commences with light airs and fogs; sea moderating; during the morning watch quite a number of seals were seen, mostly traveling and playing. At 8 a. m. shaped course for St. Paul. At 8:45, lat. 56-32 N., long. 170-10 W. seeing sleeping seals, stopped and sent out otter boat and dingy. At 11 picked up boats with four seals in otter boat and one seal in dingy, all females with milk. (Cat. Nos. 18 to 22, inclusive). Nos. 18, 19, and 21 each had its stomach filled with codfish; the contents of stomach of No. 22 consisted of fish bones only. The uterus of each was saved in alcohol and the skin prepared for mounting. At 4 p. m. arrived at St. Paul and came to anchor off the village cove (SW. side). Communicated with Special Agent J. Stanley-Brown. I found the breeding rookeries thinning out very rapidly, the females being away in search of food. At 4:30 the British steamer *Melpomene* arrived from a cruise and landed the British Commissioner Macoun. At 5:30 got under way and steamed up alongside the west side of the island. At 6:30, two miles of NW. cape, shaped course WNW., took in all sail and ordered 8-knot speed.

August 11, seals scattering during the forenoon. At meridian, being about 150 miles WNW. of St. Paul Island and but two seals having been seen since 9:45 a. m., it was thought that we were beyond the limit of seals in this direction. Changed course to NE. by N. At 2 p. m., seals appearing more numerous, stopped and lowered the boats.

Sent the hunter out in the otter boat, and Quartermaster Busse in the dingy. At 4 p. m. called boats alongside; each had taken two seals, all females with milk (Cat. 23 to 26, inclusive). The stomachs of 23, 24, and 25 were filled with codfish, the bones of which were saved. The stomach of 26 was entirely empty. One seal shot from the otter boat escaped. The skin of each was prepared for mounting. After taking up the boats we steamed ahead on a WNW. course, occasional seals being seen until 7 p. m., after which we saw no more. At 10:30 p. m., being 200 miles from St. Paul, and no seals having been seen for several hours, and believing ourselves to be beyond the limit of seals in this direction, shaped course NE. by N.

August 12th occasional fog banks, wind light and sea smooth. At 5:30, St. Paul being southeast distant 200 miles, shaped course for it; seals scarce during the day. At 4 p. m., lat. 58-35 N., long. 172-05 W., having seen a few sleepers, sent the boat out. At 5:30 called the boats alongside. The otter boat had one seal, a cow with

Same subject.

milk (Cat. No. 28), the stomach containing a small quantity of fish nearly digested. The dingy had taken nothing, but just as the boats were being hoisted a seal put his head out of the water near the vessel and was shot and secured. This proved to be a three or four year old male (Cat. No. 27) with its stomach empty. Both skins were prepared for mounting. After taking up the boats a course was shaped for St. Paul Island. At 8 p. m. ordered 6-knot speed for the night; wind moderated and sea smooth. August 18th, at 6:30 a. m., lat. 57-32 N. long. 170-45 W. stopped engine and sent out boats for an hour. The dingy got one seal, a female with milk, and the otter boat none. Seals were numerous, but the weather was so calm and the sea so smooth that it was impossible to get near them; on account of long continued mild weather they were sleeping very lightly.

At 11 a. m. arrived and came to anchor at Northeast Point St. Paul Island. A seal which came up near the vessel was shot and proved to be a three-

year-old male, with an empty stomach. Half an hour later the *Ranger* came in and anchored near; sent the hunter out in the otter boat with instructions to run off 10 miles in a northerly direction and kill a few seals for examination. During the afternoon, in company with Captain Nichols, of the *Ranger*, and Mr. Townsend, naturalist, and 3rd Lieut. Johnston, of the *Corwin*, I went on shore to examine the rookery at Northeast Point. We found the rookeries inhabited largely by pups and one and two year old seals, the nursing cows being away from the island searching for food, and many of the old seals having changed from the rocky grounds of the breeding rookeries to the sandy beaches in the vicinity; many pups were playing in the water, some swimming a short distance away from the shore, and others remaining near the rocks as if afraid to venture too far away. Although parts of the breeding rookeries were deserted at this time, the space occupied by them when all were present is well defined and, compared with the spaces formerly occupied by them, the limits of which are still easily defined, shows the great decrease that has taken place in their numbers.

Visit to Northeast Point rookery.

At 4 p. m. the otter boat returned with seven seals.

The nine seals taken this day were numbered as follows: No. 29 and 35, young males; 30, 31, and 33, virgin cows; 32, 34, and 36, nursing cows; 37, old male. The stomach of each was empty, except No. 35, which contained a few small stones. The skins were prepared for mounting for museum specimens.

The hunter reported seeing the carcass of an old bull with a bullet hole in his head, floating in the water, probably shot by a whaler, as it is not believed that there are any sealers in the sea. About 5 p. m. got under way and steamed around to the anchorage off the village SW. side; on the following morning, August 14th, received on board Special Agent J. Stanley-Brown and his assistant, Mr. Chichester, and the resident priest, Father Lesnikoff, for transportation to Unalaska. General Agent Tingle, of the North American Commercial Co., came on board for transportation to St. George Island. Got under way from St. Paul at 9 a. m., and arrived at St. George at 2 p. m., and remained three hours, to enable Special Agent J. Stanley-Brown to attend to official business on shore. At 5 o'clock got under way and steered south; moderate easterly wind and fine weather.

August 15th, steering in a southerly direction all day; saw numerous seals. At 5:30 p. m. passed Bogaslov. At 8 p. m. stopped engine and hove to for the night.

August 16th, steamed ahead at 3:30 a. m. At 5:30 a. m. entered and came to anchor in Chernofski Harbor; visited the shore. Special Agent Stanley-Brown took affidavit of the agent of the Alaska Commercial Co. and two Aleuts in regard to pelagic sealing. At 8 a. m. got under way and steamed to Unalaska, arriving at 2 p. m.

The vessel will be coaled without unnecessary delay and proceed to complete the work assigned to her. In obedience to your order the skins of the seals taken up to date, with skulls, stomach, contents, etc., saved, have been delivered to Special Agent J. Stanley-Brown, who will forward them to Dr. C. Hart Merriam, care U. S. Fish Commission, Washington, D. C.

I am, very respectfully, your obedient servant,

C. L. HOOPER,
Captain, U. S. R. M.

DISTRICT OF COLUMBIA,
City of Washington, ss:

C. L. Hooper, being duly sworn, deposes and says:

I am the person who signed the foregoing document, and I know its contents to be true. The document is an exact transcript from a portion of the log, that is to say, the official record of the voyage of the revenue steamer *Corwin*, except that a few clerical errors appearing in said log have been corrected and a few abbreviations, such as NW., SW., &c., written out in full.

C. L. HOOPER,
Captain United States Revenue Marine.

Subscribed and sworn to before me this 13th day of December, 1892.

Report of Captain Hooper, dated September 6, 1892.

REVENUE MARINE STEAMER CORWIN,
September 6, 1892.

Commander R. D. EVANS,

U. S. S. Yorktown, Commanding U. S. Naval Force in Bering Sea:

SIR: I have the honor to submit the following account of the movements of this vessel since the date of my last report, August 17.

We completed coaling on the morning of August 19, having filled the bunkers, and taken 17 tons on deck in sacks. Leaving the coal wharf at Dutch Harbor we steamed into Unalaska inner harbor, where Treasury Agent J. Stanley-Brown, his assistant H. Chichester, and Naturalist C. H. Townsend left the vessel to take passage to Victoria on the British transport *Danube*. At 2:00 p. m. we got under way from the inner harbor and steamed to sea. At 3:45 stopped to speak American Ship *America* in answer to a signal. The ship was becalmed and the master requested that she be towed further out to sea. She being in a fairly good position for a wind in any direction and in no danger, and it being important that the *Corwin* get back to the islands and carry out the duty assigned her, this request was not complied with. The following magnetic bearings of prominent points taken at the time show the position of the vessel: Priest Rock, Kalakta Head NE. x E $\frac{1}{2}$ E. Waterfall, Cape Cheerful SW. x W. $\frac{1}{2}$ W. Ulakta Head SSE.

Proceeded on our course for the islands. Half an hour after a light SW. wind sprang up and as soon as we opened out past Cape Cheerful a heavy westerly wind was encountered.

On the 20th wind from NNE. to NW.; weather overcast and at times foggy; running for St. George Island; scattering seals were seen throughout the day. At 4 p. m. caught a glimpse of what was supposed to be land and hauled in NE. for it. At 4:50 hearing breakers, stopped and sounded in 33 fathoms; fog lifting a few minutes later made land near Dalnoi, and at 6:15 p. m. came to anchor off St. George village in 7 fathoms of water, too rough to land; remained at anchor during the night. On the 21st, at 4 a. m. got under way for St. Paul Island and arrived at 9:30. Landed 2nd Lieutenant D. J. Ainsworth to act as special agent, relieving Special Agent Murray in obedience to orders

from the honorable the Secretary of the Treasury. At 11 a. m. got under way and stood offshore on a W. by N. course. At 2 p. m. stopped engine and made fore and aft sail. Sent otter boat and dingy out to hunt. At 5 p. m. called boats alongside; each boat had taken two seals, all full grown females, three nursing cows, and one virgin cow. During the evening seals were plentiful. Female seals taken.

August 22d running off on a W. by N. line; sea smooth, wind moderate; but very few seals seen during the morning. At meridian St. Paul bore about E. x S. 190 miles distant. At 1 p. m. changed course to WSW.; at 6:30 saw one seal, the only one seen during the day, after 10 o'clock a. m., although a careful lookout was kept at all times. At 8 p. m. St. Paul bearing E. $\frac{1}{4}$ S. distant 260 miles, changed course to SSW.; wind variable during the night with occasional squalls.

August 22d at 8 a. m., St. Paul bearing E. x N. $\frac{1}{4}$ distant 305 miles, changed course to SSE.; wind westerly, fresh, and weather squally. At meridian St. Paul bore ENE. distant 305 miles.

At 10 p. m. St. Paul bore NE. $\frac{1}{2}$ distant 285 miles, shaped course for it. During the sixteen (16) hours of daylight this day the vessel steamed 146 miles on the track indicated on the chart from lat. $57^{\circ} 28' N.$, long. $179^{\circ} 13' W.$ to lat. $55^{\circ} 18' N.$, long. $178^{\circ} 39' W.$ without seeing a seal.

August 24th, steering NE. $\frac{1}{4}$ N. for St. Paul Island, at meridian, 200 miles distant; during the forenoon, weather fine, sea moderate; later in the day, wind NW. fresh and squally, sea making up; took in light sails and reefed mainsail; saw no seals until 3:40 p. m., then only a few scattering individuals. During the night wind hauled to NE., speed fell down to 5 knots.

At 6:45 a. m., August 25th, St. Paul bore NE. $\frac{1}{2}$ distant about 50 miles, strong head wind, vessel making but little headway, decided to make a fair wind of it and run another line off shore.

Accordingly changed course to SE. and ran 12 miles. At 7, St. Paul bearing NNE. $\frac{1}{4}$ E. kept away to SSW.; $\frac{1}{4}$ W.; made all square sails; no seals seen during the morning, running off under all sail before the wind. At 4 p. m. having seen no seals during the day, changed course to east. At 8 p. m. hauled up to NNE. and later N. x E. $\frac{1}{2}$ E. Vessels close hauled on port tack under fore and aft sail. Wind moderated during the night. At daylight August 26, wind freshened with squalls, and barometer falling. At 8 a. m. kept away for St. George Island, and about 1 p. m. came to anchor at Garden Cove in 9 fathoms water, starboard anchor and 45 fathoms chain. Later in the day wind increased to a fresh gale, veered to 60 fathoms on starboard chain. Scattered seals were seen in the morning watch when about 40 miles from St. George and during the forenoon as we approached the island, but only in limited numbers.

We remained at anchor at Garden Cove during the night. Wind blowing a fresh gale with occasional heavy squalls. At daylight on the morning of the 27th wind moderating a little, barometer rising, and weather altogether showing signs of improvement. At 11 a. m., the gale having abated, we got under way from Garden Cove and steamed around to the village, but finding the sea still too rough to make a landing at that place, kept on for St. Paul; arrived and came to anchor off Village Cove at 5 p. m.; found the *Rush* at anchor, she having arrived the day previous from a cruise to the eastward.

Sent an officer on shore to communicate with Acting Special Agent Ainsworth, who reported everything in a satisfactory condition.

Sunday morning, August 28, got under way at 4:30 a. m., and ran off-shore on a NW. x N. line. Scattering seals were seen during the day until towards evening, when they disappeared entirely. At 8 p. m. changed course to E. x N. $\frac{1}{2}$ N. At midnight St. Paul bearing S. x E. distant 120 miles, shaped course for it.

August 29, wind SE. increasing to a fresh gale with a heavy cross sea, vessel under double reefs, engine stopped, saw a whaling bark to the northeast, saw no seals until 8:15 a. m. when 70 miles distant from St. Paul, and only scattering individuals during the day; towards midnight wind moderating and hauling to the southward.

August 30, at 1 a. m. steamed ahead under slow-bell on account of the old SE. sea, which has not yet gone down. Course SE. x E. At 10:30 passed west end of St. Paul inside of Otter Island; no flag up at either anchorage to indicate that a landing could be made, steamed ahead for St. George. At 4 p. m. arrived and communicated with Special Agent Lavender. At 5:30 got under way from St. George and shaped course for Unalaska. Saw the *Rush* steaming in towards the anchorage as we steamed away from the island. At 6 p. m. passed east end of St. George, light SW. wind, sea smooth, weather clear and pleasant; made all sail and ordered full speed in order, if possible, to reach Unalaska before a change in the weather, the vessel having less than two days' steaming coal on board.

During the time the *Corwin* has been engaged upon the unfinished work of the *Albatross*, carrying on investigations in regard to pelagic sealing, she has steamed 4,623 miles, carrying out, as nearly as wind and weather would permit, the plan indicated in Department instructions, that of running radial lines from the seal islands corresponding to each point of the compass. These lines were extended to a distance of 200 miles, or until no seals were seen. The track of the vessel while pursuing these investigations, with the positions in which seals were taken or seen, and all data collected pertaining thereto, will be found on the accompanying chart and tabulated statement. The line run in a west by north direction was extended as indicated on the chart in a westerly, southwesterly, southerly, and southeasterly direction, crossing the latitude of the seal islands at a distance of about 300 miles, and crossing a line connecting the Pribilof and Commander groups of islands at about the same distance from the former group, nearly midway.

During the run of 400 miles from Lat. $58^{\circ} 22' N.$, Long. $177^{\circ} 42' W.$, to Lat. $55^{\circ} 38' N.$, Long. $174^{\circ} 23' W.$, no seals were observed, although a careful lookout for them was kept at all times.

Numerous seals having been found in these latitudes at a distance of 300 miles, I infer that the western limit of the range of the Pribilof herd of seals is between two and three hundred miles from the islands and that the herds from the Pribilof and Commander groups of islands do not mingle, but that between the limits of the farthest range of the two herds there is a zone which is unoccupied by seals, except possibly a few stray individuals. Seals were taken at all distances from the islands when sea and weather permitted. Forty-one (41) in all were taken. Dividing that part of the sea over which the *Corwin* cruised into zones of 10, 20, 30, 50, 100, 150 and 200

Area covered by
cruise. Investiga-
tions, how carried on.

Western limit of
Alaskan seals.

Herds do not mingle.

Seals taken.

miles, I find the percentage of seals belonging to the different categories taken in the different zones as follows :

	Old males.	Young males.	Nursing cows.	Virgin cows.	Total.
10-mile zone.....	1	2	3	3	9
Percentage.....	11 $\frac{1}{2}$	22 $\frac{2}{3}$	33 $\frac{1}{3}$	33 $\frac{1}{3}$	100
20-mile zone.....		1	8	1	10
Percentage.....		10	80	10	100
30-mile zone.....		1			1
Percentage.....		100			100
50-mile zone.....		1	1		2
Percentage.....		50	50		100
100-mile zone.....		1	1		
Percentage.....		50	50		100
150-mile zone.....		2	1		
Percentage.....		66 $\frac{2}{3}$	33 $\frac{1}{3}$		100
200-mile zone.....		3	8	3	
Percentage.....		21	57	21	100

Barren cows are omitted from the table, none having been found in Bering Sea. No barren cows found.

Owing to the shortness of the period during which the investigations have been in progress and to an unfavorable condition of the weather during the latter part of it, strong winds prevailing nearly all of the time, only a limited number of seals were taken in some of the zones. It is interesting to note that more than 50 per cent of all seals taken were nursing cows, and that a large percentage (57 per cent) of nursing cows were taken in the 200-mile zone. Percentage of nursing cows. The distribution of seals in Bering Sea during the summer appears to be dependent upon the food supply, as furnished by the surface squids, and while seals are found at certain localities in greater abundance than at others, I do not believe their presence is constant, but varies from time to time, being controlled by the supply of fish. Distribution of seals.

It will be seen from the tabulated statement that in a majority of cases the food found in the seal's stomach is codfish. Food found in stomachs. Some of the seals taken by us, in the stomach of which codfish was found, were in sixteen hundred fathoms of water when taken, a depth, of course, to which a seal could not go. I infer, therefore, that codfish, although a bottom fish, approaches the surface at times.

From my observations in Bering Sea at this time, and in the Pacific Ocean earlier in the season, I am convinced that the fur-seal depends chiefly upon fishes taken near the surface of the water and squid for food, notwithstanding the fact that shells and small rocks are frequently found in the seal's stomach. Kind of food. These things are frequently found in the stomach of the codfish, and it is likely that they are taken into the seal's stomach while eating codfish. The seals seen in Bering Sea at this time of the year, being chiefly nursing cows, are extremely tame, sleep a great deal, and can be readily approached within shooting distance and Nursing cows easily killed. are easily killed.

The rapidity with which seals sink after being killed appears to depend upon their physical condition—a fat seal floating more than a lean one; the supply of air in the lungs at the time of death, and the position of the seal in the water when killed. Sinking of seals. As a rule the seals we lost by sinking sank immediately or within a

minute of the time they were hit. Our total loss by sinking and wounding was 36 per cent.

During the period covered by my investigations in Bering Sea no gravid cows have been taken nor have any of this year's pups been seen in the water, save along the immediate shores of the rookeries, where they were learning to swim. In this connection I have to state that in my judgment the origin of the erroneous impression that a mother seal sometimes gives birth to its young in the water is due to the fact that the young seal grows but little, if any, from the time it leaves the island in the fall until it appears off the coast of California, Oregon, and Washington in the spring.

The long journey from the seal islands to the coast of California and northward to the Straits of Fuca (the location of the origin of the theory that seal pups are born at sea) is undoubtedly a hard one for the young seal, and during the long swim of over 3,000 miles he grows but little, if any; loses much of the baby fat that it started with, and arrives off the coast of Washington and Vancouver Island instead of a round, fat, rather clumsy looking animal with a black coat, a slim, graceful little fellow of a dark-gray color, full of life and activity, and actually appearing smaller and weighing less than when it left the seal islands. One taken by the *Corwin* off Vancouver Island in April last, which appeared in no wise different from hundreds of others seen by us, weighed, as taken from the water, but 14 pounds.

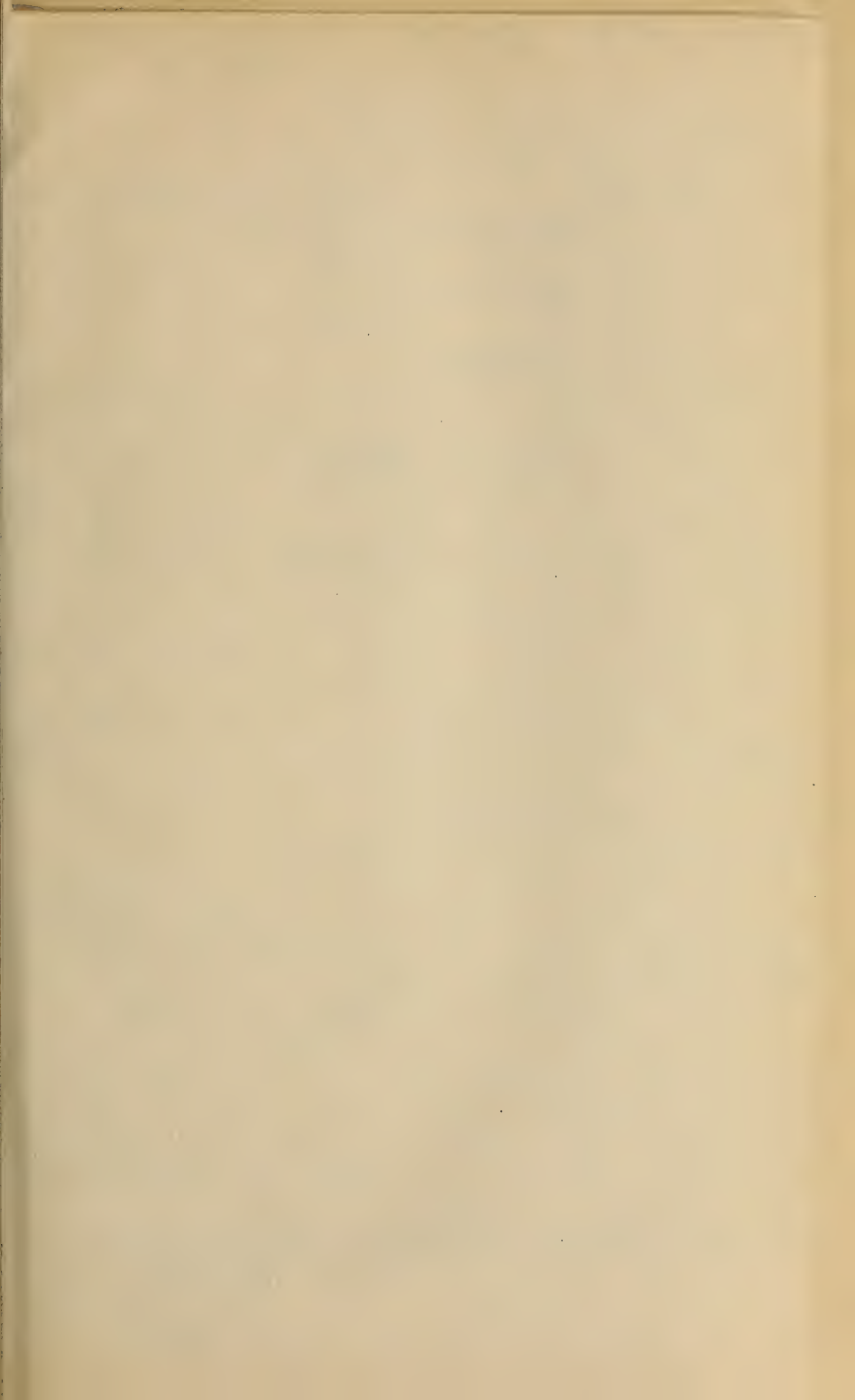
In view of this, no wonder that the pilots and even the Indians in the vicinity of the Straits of Fuca mistook them for newly-born pups. To these people, never having seen the newly-born pups, which are not found on the coast of California, Washington, British Columbia, or Alaska, except upon the Pribilof Islands, the change in color which would at once indicate to a person familiar with the subject that they were "last year's pups" would be unnoticed. In my judgment this theory, which was readily adopted by interested parties, had its origin in this simple and somewhat natural mistake of a few ignorant people. I find in general, as one of the results of my investigations, that more than two-thirds of the seals taken are cows now having young or capable of bearing them at no distant day; that it is impossible to discriminate as to age or sex of seals while in the water, except in the case of young pups and old bulls; that even under the most favorable conditions a large percentage is lost by sinking or wounding, and that by reason of the tameness of the nursing cows, which form the larger part of the seals seen, pelagic hunting in Bering Sea is peculiarly destructive and unless stopped will wholly exterminate the already greatly depleted herds.

Pelagic sealing. I do not believe that it is possible to indicate any zonal limit in Bering Sea beyond which pelagic sealing could be carried on, and at the same time preserve the seals from complete annihilation. Further, I wish to renew a statement contained in a former report made to the honorable Secretary of the Treasury, that unless supplemented with protection in the Pacific Ocean no amount of protection in Bering Sea will preserve the herds.

Protection by zone insufficient. We arrived at Unalaska on the evening of August 31. Since leaving San Francisco on March 9 the *Corwin* has steamed 16,200 miles, and 8,713 miles since the date of my reporting for duty as part of the Bering Sea fleet. Of this distance 5,567

Protection in Pacific necessary.

Distance traversed.



STATEMENT OF SEALS TAKEN BY THE U. S. REVENUE STEAMER CORWIN IN BERING SEA FROM JULY 24 TO SEPTEMBER 1, 1892.

Date.	Position.	Meteorology.										Seals taken.								Lost by sinking.	Stomach.		Remarks.						
		Wind.	Force.	Weather.	Clouds	Barom.	Thermom- eter.			State of sea.	Available for sealing.	Catalogue.	Old males.	Young males.	Yearlings.	Nursing cows.	Barren cows.	Virgin cows.	How killed.		Asleep or awake.	Wounded but not taken.		Number.	Time between kill- ing and sinking.	How killed.	Category.	Empty (-).	Full (+).	Contents
July 24	Lat. 56° 12' N., Long. 168° 58' W.	SSW	4	t	Fog	29.86	52	51	46	M	No.																		Take no seals.
25	St. Paul Island	"	2	"	Nim	29.80	47	47	42	M	Partly																		" " "
26	56° 58' N., 170° 5' W.	"	3	"	Fog	29.56	46	46	44	M	"																		" " "
27	St. George Id., Bering Sea	SSW	3	c	Cir. cum.	29.76	52	51	44	S	No.	1	1						Shot	W									12 lb. skin.
28	St. Paul Island	SSW	3	o	Cum. str.	29.85	51	50	44	M-S	Partly																		Take no seal.
30	57° 23' N., 175° 48' W.	WSW	3	"	"	30.17	56	54	48	"	"																		" " "
31	57° 18' N., 175° 48' W.	SSE	3	"	"	30.36	50	49	48	"	"																		" " "
31	Lat. 57° 7' N., Lo. 171° 46' W.	South.	1	o	Cum. nim.	30.46	52	51	48	S	Yes.	2	1						Shot	W	2								From this date all skins prepared for mounting.
Aug. 1	Same	"	1	o	"	30.46	52	51	48	"	"	3																	Saved uterus and udder.
31	57° 6' N., 170° 50' W.	Calm	0	t	Fog	30.46	52	51	48	"	"	4	1							W	2								Small fish bones (saved) 2 small shells; hermit crab in one.
Aug. 1	57° 1' N., 171° 30' W.	West	2	"	"	30.48	56	54	48	"	"	5							Shot	S	5	2	1 m.	Shot					Take no seals.
2	56° 43' N., 175° 46' W.	Calm	0	f	Cum. str.	30.46	59	58	50	S	Yes.	6	1							S									Saved uterus.
2	Same	"	0	"	"	"	"	"	"	"	"	7								W									" " "
2	Same	"	0	"	"	"	"	"	"	"	"	8	1							S									1 squid
2	Same	"	0	"	"	"	"	"	"	"	"	9								"									Codfish and squid
2	56° 45' N., 175° 58' W.	"	0	"	"	"	"	"	"	"	"	10								S	1	2	1 m.	Shot					Codfish and squid
2	Same	"	0	"	"	"	"	"	"	"	"	11								W									" " "
2	Same	"	0	"	"	"	"	"	"	"	"	12								"									" " "
2	Same	"	0	"	"	"	"	"	"	"	"	13								"									1 pollock
Aug. 3	56° 29' N., 173° 38' W.	West	1	"	"	30.20	61	61	54	S	Yes.	15	1							"	3								Fish
3	Same	"	1	"	"	"	"	"	"	"	"	16								"									Codfish
3	Same	"	1	"	"	"	"	"	"	"	"	17	1							S									Slush, not identified
Aug. 5	Near St. Paul Island, befogged	Calm	0	t	Fog	29.86	56	54	49	"	"									"									Take no seals.
5	56° 57' N., 170° 8' W.	NNE	3	o	Cum. str.	29.69	51	50	50	L	Partly									"									" " "
6	Cape Cheerful, Sx E. 1 mile.	NE	2	t	Nim	29.50	54	53	48	S	Yes.									"									In port.
7	Unalaska	W	3	t	Cum. nim.	29.67	55	53	54	"	"									"									Take no seals.
8	Same	SSW	3	f	"	30.10	54	53	52	"	"									"									" " "
9	54° 17' N., 167° 38' W.	SW'y	2	t	Nim	30.14	52	51	48	M	No.									"									Take no seals.
10	56° 32' N., 170° 10' W.	Var.	1	t	Fog	29.98	53	52	50	S	Yes.	18								Shot	W	1	1	1 m.	Shot				Uterus saved.
10	Same	"	1	"	"	"	"	"	"	"	"	19								"									" " "
10	Same	"	1	"	"	"	"	"	"	"	"	20								"	S								" " "
10	Same	"	1	"	"	"	"	"	"	"	"	21								"	"								" " "
10	Same	"	1	"	"	"	"	"	"	"	"	22								"	W								Few pieces fish
Aug. 11	58° 58' N., 173° 44' W.	North	1	o	Cum. nim.	30.12	55	54	50	"	"	23								"	S	1							Codfish
11	Same	"	1	"	"	"	"	"	"	"	"	24								"	"								" " "
11	Same	"	1	"	"	"	"	"	"	"	"	25								"	"								" " "
11	Same	"	1	"	"	"	"	"	"	"	"	26								"	"								" " "
Aug. 12	58° 35' N., 172° 5' W.	NW	2	"	Cum. str.	30.26	51	50	50	"	"	27	1							"	W								" " "
12	Same	"	2	"	"	"	"	"	"	"	"	28								"	"								" " "
Aug. 13	57° 32' N., 170° 45' W.	SE	2	"	Cum. nim.	30.32	51	50	48	"	"	29	1							"		2							Fish
13	57° 22' N., 170° 5' W.	"	2	"	"	"	"	"	"	"	"	30								"	"								" " "
13	Same	"	2	"	"	"	"	"	"	"	"	31								"	"								" " "
13	Same	"	2	"	"	"	"	"	"	"	"	32								"	"								" " "
13	Same	"	2	"	"	"	"	"	"	"	"	33								"	"								" " "
13	Same	"	2	"	"	"	"	"	"	"	"	34								"	"								" " "
13	Same	"	2	"	"	"	"	"	"	"	"	35	1							"	"								Few small stones
13	Same	"	2	"	"	"	"	"	"	"	"	36								"	"								" " "
13	Same	"	2	"	"	"	"	"	"	"	"	37	1							"	"								" " "
Aug. 14	Dahoi Pt., St. George, Sx E. ½ E. 8 miles	SE	3	o	"	30.32	51	50	48	"	"									"									No seals taken.
15	54° 20' N., 168° 50' W.	"	1	"	Cum. str.	30.36	57	55	52	"	"									"									" " "
16	Cape Makuskine S. ½ W. 10 miles	"	1-3	f	Cir. cum.	30.44	57	55	48	"	"									"									" " "
17	Unalaska	"	3	t	Cum. str.	30.36	65	63	58	"	"									"									" " "
18	Same	"	4-6	t	Cum. nim.	30.12	61	58	50	"	"									"									" " "
19	Same	Var.	1-3	f	Cum. str.	29.67	58	54	50	H	No.									"									Left Unalaska about 1 p. m.
20	56° 9' N., 169° W.	NNW	3-4	t	Nim	29.86	52	51	50	M	No.									"									Uterus saved.
21	57° 17' N., 170° 58' W.	SW	1	o	Cum. str.	29.82	57	54	48	S	Yes.	38								Shot	W	1	2 m.	Shot	Old male				Fish
21	Same	"	1	"	"	"	"	"	"	"	"	39								"	"								Fish
21	Same	"	1	"	"	"	"	"	"	"	"	40								"	"								Fish
21	Same	"	1	"	"	"	"	"	"	"	"	41								"	S								Uterus saved. Signs of recent impregnation.
Aug. 22	58° 35' N., 175° 42' W.	NNE	5	f	Cir. cum.	29.32	52	48	48	M	No.									"									Take no seals.
23	56° 25' N., 179° 36' W.	WSW	5-6	t	Cum. nim.	29.84	51	50	50	M	No.									"									" " "
24	55° 20' N., 175° 12' W.	NW	3	f	Cir. cum.	29.72	52	50	48	"	"									"									

miles were steamed in Bering Sea, of which 4,623 miles were steamed while completing the unfinished work of the *Albatross*.

I transmit herewith a tracing of the chart,* showing the track of the vessel in Bering Sea, with the number of seals taken and data pertaining thereto, a tabulated statement of Chart. seals taken, and a transcript of the seal log since the date of my last report.

I am, very respectfully, your obedient servant,

C. L. HOOPER,
Captain, U. S. R. M.

DISTRICT OF COLUMBIA,
City of Washington, ss:—

C. L. Hooper, being duly sworn, deposes and says:

I am the person who signed the foregoing document, and I know its contents to be true. The document is an exact transcript from a portion of the log, that is to say, the official record of the voyage of the revenue steamer *Corwin*, except that a few clerical errors appearing in said log have been corrected and a few abbreviations, such as NW., SW., etc., written out in full.

C. L. HOOPER,
Captain, United States Revenue Marine.

Subscribed and sworn to before me this 13th day of December, 1892.
[SEAL.] SEVELLON A. BROWN,

Notary Public.

[Inclosure No. 2 in Capt. Hooper's report of September 6, 1892.]

EXTRACT FROM THE SEAL LOG OF THE U. S. REVENUE STEAMER
CORWIN, FROM JULY 24 TO AUGUST 31, 1892.†

Sunday, July 24.

4 to 8 a. m.—6:45 observed one (1) medium-sized seal; 7, saw one (1) seal.—S. E. Maguire, 1st Lieut.

8 a. m. to m.—9:30, 10:15 and 11:50 saw 1 seal each time; all sank before characteristics could be noted.—C. E. Johnston, 3d Lieut.

M. to 4 p. m.—12:15, 1 pup; 12:30, 2 medium size; 1:50, 1 medium size; all playing; sex unknown.—J. H. Quinan, 2d Lieut.

* * * * *

6 to 8 p. m.—Saw 2 seals (apparently yearlings) before making St. George Island. Near the rookeries, seals numerous of all sizes.—C. E. Johnston, 3d Lieut.

Monday, July 25.

* * * * *

4 to 8 a. m.—Saw few scattering seals 10 to 15 miles from St. Paul; near the island saw numerous seals of all kinds.—S. E. Maguire, 1st Lieut.

8 a. m. to midnight.—Vessel anchored at St. Paul Island.

* See Chart V in portfolio of maps and charts accompanying Counter-Case.

† For the sake of brevity omission has been made of all entries stating that no seals were seen.

Tuesday, July 26.

M. to 8 a. m.—At anchor at St. Paul Island.

8 a. m. to m.—Saw 3 yearlings about five miles, and 3 three-year olds about 8 miles from the island of St. Paul (S. E. of it).—D. J. Ainsworth, 2d Lieut.

M. to 4 p. m.—1 and 1:10, saw 1 medium-sized seal; both disappeared; seals numerous near St. George.—C. E. Johnston, 3d Lieut.

4 p. m. to m.—At anchor, St. George Island.

Wednesday, July 27.

At anchor, St. George Island.

Thursday, July 28.

* * * * *

4 to 8 a. m.—5:30, saw 1 seal, large; 5:45, 2 seals, small; 6 to 7, saw 8 seals of various sizes; 7:30, 2 seals; 7:40, 3 seals; 7:55, 4 seals.—S. E. Maguire, 1st Lieut.

8 a. m. to m.—Saw but few seals.—J. H. Quinan, 2d Lieut.

M. to 8 p. m.—At anchor, St. Paul; 8 p. m. to m. no seals seen except near St. Paul Island.—D. J. Ainsworth, 2d Lieut.

Friday, July 29.

* * * * *

4 to 8 a. m.—4:30, saw 1 seal, medium; 6:00, saw 1 seal, small; 7:04, saw 2 seals, medium.—S. E. Maguire, 1st Lieut.

8 a. m. to m.—9:50, saw 1 medium-sized seal.—D. J. Ainsworth, 2d Lieut.

M. to 4 p. m.—12:40, saw 1 medium-sized seal.—C. E. Johnston, 3d Lieut.

4 to 6 p. m.—4:20, saw 1 small seal, jumping; 5:15 dingy returned; did not get a shot; saw only 2, 1 small, 1 large; both awake. 5:40, saw 1 medium-sized, jumping.—J. H. Quinan, 2d Lieut.

6 to 8 p. m.—Saw numerous seals of different sizes, jumping.—D. J. Ainsworth, 2d Lieut.

* * * * *

Saturday, July 30.

* * * * *

8 a. m. to m.—Between 8:45 and 9:15 saw 8 medium-sized seals. Saw another at 11:30.—C. E. Johnson, 3d Lieut.

M. to 4 p. m.—12:30, saw 3 seals asleep; 3:08, saw 1 big seal asleep; 3:30, saw 1 big seal asleep; 4, saw 1 big seal asleep.—J. H. Quinan, 2d Lieut.

4 to 6 p. m.—4:05, saw 1 seal asleep; 4:40, saw 1 seal asleep; 5:00, saw 1 seal jumping; 5:40, saw 3 seals jumping; all medium size.—D. J. Ainsworth, 2d Lieut.

6 to 8 p. m.—6 o'clock, saw 2 medium-sized seals; 7, saw another.—C. E. Johnston, 3d Lieut.

* * * * *

Sunday, July 31, 1892.

M. to 4 a. m.—3:30, saw 1 medium-sized seal and 3:45 another; both jumping.—D. J. Ainsworth, 2d Lieut.

4 to 8 a. m.—4:10, saw 3 seals; 4 to 4:15, saw about 10 seals; 4:20, stopped ship; 4:30, sent out sealing boat (50 miles west of St. Paul); 5:10, saw 3 seals; 5:30, saw 2 seals; 6:15, saw 1 seal; 6:30, saw 2 seals; 7:00, saw 2 seals; 7:15, saw 1 seal. Apparently of all sizes; none asleep.—S. E. Maguire, 1st Lieut.

8 a. m. to M.—Numerous seals of all sizes, asleep and awake, observed.—J. H. Quinan, 2d Lieut.

M. to 4 p. m.—12:40, shot and secured two (2) seals, 1 male and 1 female, both 3 years old; 1:10 fired at and missed medium-sized seal. 1:15 saw 1 seal; 1:25, saw 1 seal; 1:35 to 2:00, saw 7 seals (1 large and 6 medium). 2:15, saw 3 small seals; 2:40 saw two small seals; 3:40 to 4:00, saw 8 seals, different sizes, jumping.—D. J. Ainsworth, 2d Lieut.

4 to 6 p. m.—Saw numerous seals of various sizes. 4:40, shot and killed one young male, about 2 years old; wounded two more that escaped.—C. E. Johnston, 3d Lieut.

6 to 8 p. m.—Numerous seals observed.—J. H. Quinan, 2d Lieut.

* * * * *

Monday, Aug. 1.

M. to 4.—Saw 3 medium-sized seals playing in vicinity of vessel.—C. E. Johnston, 3d Lieut.

4 to 8 a. m.—Counted 10 seals in sight during the watch; various sizes; none asleep.—S. E. Maguire, 1st Lieut.

8 a. m. to m.—10:00 saw one seal, small; 10:25 saw 3 seal, small; 11:00, saw 4 seals, medium; 11:40, saw 1 seal, medium. All these seals were jumping.—D. J. Ainsworth, 2d Lieut.

M. to 4 p. m.—1:00, saw 1 medium-sized, playing.—C. E. Johnston, 3d Lieut.

4 to 6 p. m.—4:45, saw 1 medium-sized seal, jumping.—J. H. Quinan, 2d Lieut.

6 to 8 p. m.—6:35, saw 2, and 7:30, 1 medium-sized seals, jumping.—D. J. Ainsworth, 2d Lieut.

* * * * *

Tuesday, Aug. 2.

Midnight to 4 a. m.—Saw one medium at 3:45, and at 4:00 one large and 2 small seals, all jumping.—J. H. Quinan, 2d Lieut.

4 to 8 a. m.—From 4 to 7 o'clock saw two pups, 12 medium-sized seals, and 3 small ones; some jumping, others playing and "finning." 7 to 8, saw about a doz. seals of various sizes; 7:03, stopped engine; 7:45 sent out otter boat.—S. E. Maguire, 1st Lieut.

8 a. m. to m.—No headway. Two boats out hunting; saw twelve seals, mostly asleep.—C. E. Johnston, 3d Lieut.

M. to 4 p. m.—Saw a doz. seals of all sizes, playing and asleep; boats returned with 5 seals at 4 p. m.—J. H. Quinan, 2d Lieut.

4 to 6 p. m.—Boats returned with 5 seals (cows). 5:30, saw 2 seals; could not distinguish characteristics.—D. J. Ainsworth, 2d Lieut.

6 to 8 p. m.—At 6:45 saw 2 medium-sized seals awake, and one large one asleep; 7:00, 2 awake, medium size.—C. E. Johnston, 3d Lieut.

* * * * *

Wednesday, Aug. 3.

Midnight to 4 a. m.—Saw two medium-sized seals awake.—D. J. Ainsworth, 2d Lieut.

4 to 8 a. m.—4 to 5, saw 10 seals of various sizes; some appeared to be small pups. 5:15, saw about a doz. seals of various sizes jumping and swimming about. 5:20, saw 1 seal sleeping and 3 jumping. 5:30 to 7, saw 16 seals, 5 of them asleep. 7 to 8, saw numerous seals of all sizes.—S. E. Maguire, 1st Lieut.

8 a. m. to M.—First part of watch saw numerous seals of all kinds jumping and playing, and occasionally one asleep. Last part of watch seals less plentiful and none were asleep. Sealing boats brought in two cows and one young male.—J. H. Quinan, 2d Lieut.

M. to 4 p. m.—1, saw one medium-sized seal. 1:15, saw 1 medium-sized seal. Both awake.—D. J. Ainsworth, 2d Lieut.

* * * * *

6 to 8 p. m.—Saw 4 seals, 2 medium and 2 pups, jumping.—J. H. Quinan, 2d Lieut.

* * * * *

Thursday, Aug. 4.

Midnight to 4 a. m.—3:50, saw 2 medium-sized and 1 small seals jumping out of water.—C. E. Johnston, 3d Lieut.

4 to 8 a. m.—Saw 18 seals of all sizes diving and jumping; none asleep.—S. E. Maguire, 1st Lieut.

8 a. m. to M.—Saw 8 seals of different sizes during watch, jumping.—D. J. Ainsworth, 2d Lieut.

M. to 4 p. m.—No change in position. Saw 2 large, 2 medium, and one small seals, playing.—C. E. Johnston, 3d Lieut.

4 to 6 p. m.—Saw a great many seals of all sizes playing.—J. H. Quinan, 2d Lieut.

6 to 8 p. m.—Saw 11 seals of different sizes, jumping.—D. J. Ainsworth, 2d Lieut.

* * * * *

Friday, Aug. 5.

Midnight to 4 a. m.—Observed 2 large seals playing.—J. H. Quinan, 2d Lieut.

4 to 8 a. m.—Near St. Paul Island. Saw numerous seals of all sizes, probably 100.—S. E. Maguire, 1st Lieut.

8 a. m. to M.—Saw no seals outside the immediate vicinity of St. Paul Island.—C. E. Johnston, 3d Lieut.

M. to 4 p. m.—Saw 4 seals different sizes, playing.—J. H. Quinan, 2d Lieut.

4 to 6 p. m.—4:40, saw one medium-sized seal; 5, saw one small seal; both jumping.—D. J. Ainsworth, 2d Lieut.

6 to 8 p. m.—Saw one sleeper at 7 p. m.—C. E. Johnston, 3d Lieut.

* * * * *

Saturday, August 6.

* * * * *

4 to 8 a. m.—At 5:00, saw 2 seals; 6:15, 1 seal in a kelp patch; 7:00, 1 seal; all medium size.—S. E. Maguire, 1st Lieut.

* * * * *

August 7 to 9.

* * * * *

At Unalaska, Alaska.

* * * * *

Tuesday, August 9.

* * * * *

M to 4 p. m.—1:30, saw 2 large seals asleep. 3:05, saw 1 small seal asleep. 3:55, 1 small seal asleep.—D. J. Ainsworth, 2d Lieut.

4 to 6 p. m.—5:30, saw 1 medium and 1 large seal asleep. 6:00, 2 large sleepers.—C. E. Johnston, 3d Lieut.

6 to 8 p. m.—6:05, saw 1 medium-sized seal on bunch of kelp. 6:20, 3 sleepers. 6:50, 2 sleepers, too far off to tell size. 7:10, one large sleeper. 7:30, 1 small seal, playing. 7:50, one 2-year old, playing. 7:15, one 2-year old, playing.—J. H. Quinan, 2d Lieut.

* * * * *

Wednesday, Aug. 10.

* * * * *

4 to 8 a. m.—Saw 6 small seals, 5 medium, and 2 large ones; some playing, others sleeping or traveling.—S. E. Maguire, 1st Lieut.

8 a. m. to M.—8:15, saw 1 medium-sized seal swimming; 8:30, saw 1 medium-sized seal swimming; 8:35, saw 3 medium-sized seals sleeping; 8:40, saw 1 medium-sized seal sleeping; 10:40, saw 3 medium-sized seals swimming. Two boats sent out; returned with 5 medium-sized cows.—D. J. Ainsworth, 2d Lieut.

M. to 4 p. m.—Saw 3 medium, 2 small, and one large seals, jumping. Near St. Paul Island, seals numerous.—C. E. Johnston, 3d Lieut.

4 to 6 p. m.—Seals numerous.—J. H. Quinan, 2d Lieut.

6 to 8 p. m.—6:50, about five miles from St. Paul, saw 5 seals, one large, 3 medium, one small, disporting; 7:15, saw 5 of different sizes, jumping.—D. J. Ainsworth, 2d Lieut.

* * * * *

Thursday, August 11.

* * * * *

4 to 8 a. m.—Saw 4 medium, 5 small, and one large seals, all jumping.—S. E. Maguire, 1st Lieut.

8 a. m. to M.—Saw 8 medium-sized seals leaping out of water; seals scattering and wild.—C. E. Johnston, 3d Lieut.

M. to 4 p. m.—Saw 15 medium and one large seals. One finning, 5 asleep, and rest jumping.—J. H. Quinan, 2d Lieut.

4 to 6 p. m.—Boats brought in 4 female seals. 4:25, saw 2 small seals jumping. 4:40, saw 2 medium seals jumping. 4:45, saw 5 various seals jumping. 5:15, saw 3 large and 2 small seals, jumping. 5:45, saw 2 medium seals, playing.—D. J. Ainsworth, 2d Lieut.

6 to 8 p. m.—From 6 to 7, saw 7 medium, one large, and one small seals, playing. Saw none last hour.—C. E. Johnston, 3d Lieut.

* * * * *

Friday, Aug. 12.

* * * * *

8 a. m. to M.—11:00, saw 2 medium-sized seals, jumping. 10:20, one medium sized, playing.—J. H. Quinan, 2d Lieut.

M to 4 p. m.—Saw one small and 15 medium-sized seals, one asleep and rest jumping or swimming about.—D. J. Ainsworth, 2d Lieut.

4 to 6 p. m.—Saw one small and 2 large seals, jumping. Boats brought in one male and one female.—C. E. Johnston, 3d Lieut.

6 to 8 p. m.—6:20, saw one medium, one large, and one small seal, playing and jumping. 6:55, one large, playing, two 2-year olds, leaping. 7:30, one medium, playing. 7:45, 2 medium, playing.—J. H. Quinan, 2d Lieut.

8 p. m. to midnight.—10:00, saw two seals. 10:55, three seals. Could not distinguish characteristics.—D. J. Ainsworth, 2d Lieut.

Saturday, Aug. 13.

* * * * *

4 to 8 a. m.—Saw 21 medium, 14 small, and 4 large seals. Some jumping and playing, others asleep. Sent out boats. Dingy brought in one male.—S. E. Maguire, 1st lieut.

8 a. m. to m.—8:5, saw one sleeper; fired at and missed him. 8:10 to 8:20, saw 5 medium jumping. 8:35 to 8:45, 6 medium jumping. 8:58, one sleeper. Shot and secured one seal at anchorage.—D. J. Ainsworth, 2d lieut.

M to 4 p. m.—Seals numerous about the vessel; all sizes.—C. E. Johnston, 3d lieut.

4 to 6 p. m.—4:20, Hunter returned with 6 female and one male seals, shot from 6 to 10 miles off N.E. Point, St. Paul. Numerous seals around vessel while at anchor; very few seen on north side of St. Paul while under way.—J. H. Quinan, 2d lieut.

6 to 8:00 p. m.—Seals numerous—D. J. Ainsworth, 2d lieut.

8 p. m. to midnight.—Seals numerous. At anchor, St. Paul Island.—C. E. Johnston, 3d lieut.

Sunday, Aug. 14.

Midnight to 4 a. m.—No seals playing around ship.—J. H. Quinan, 2d lieut.

4 to 8 a. m.—Seals numerous.—S. E. Maguire, 1st lieut.

8 a. m. to m.—St. Paul to St. George. Saw no seals outside of immediate vicinity of island.—C. E. Johnston, 3d lieut.

M to 4 p. m.—Saw only a few seals and those close to the island.—J. H. Quinan, 2d lieut.

4 to 6 p. m.—Saw only few seals; none far from island.—D. J. Ainsworth, 2d lieut.

* * * * *

Monday, Aug. 15.

* * * * *

4 to 8 a. m.—Saw one sleeper and 2 medium sized seals awake.—S. E. Maguire, 1st lieut.

8 a. m. to m.—Saw 5 medium, 4 large, and 9 small seals, mostly asleep.—J. H. Quinan, 2d lieut.

M. to 4 p. m.—2:10, saw one small seal jumping.—D. J. Ainsworth, 2d lieutenant.

* * * * *

8 p. m. to midnight.—No seals seen.—D. J. Ainsworth, 2d lieutenant.

Tuesday, Aug. 16.

* * * * *

Merid. to 4 p. m.—No seals seen. Arrived at Unalaska, Alaska.
Respectfully submitted.

C. L. HOOPER,
Captain, U. S. R. M.

Commander R. D. EVANS,
U. S. S. *Yorktown*, Commanding
U. S. Naval Forces in Bering Sea.

TRANSCRIPT FROM SEAL LOG OF THE U. S. REVENUE STEAMER CORWIN
FROM AUGUST 16, TO SEPTEMBER 1, 1892.

August 17th to 19th.

At Unalaska, Alaska.

August 19th.

Got under way at 2:10 p. m.

* * * * *

August 20th.

Mid. to 4 a. m.

* * * * *

4 to 8 a. m.—7:30, saw two small seals, apparently yearlings, jumping.—C. E. Johnson, 3rd lieutenant.

8 a. m. to mid.—8:30, saw one small seal. 9:30, saw one seal, medium size. 9:55, saw one seal, large; 11:30, saw one medium-sized seal.—S. E. Maguire, 1st lieutenant.

Merid. to 4 p. m.—2:45, within ten miles of St. George Island saw one medium-sized seal jumping.—J. H. Quinan, 2nd lieutenant.

* * * * *

6 to 8 p. m.—Numerous seals about the vessel.—S. E. Maguire, 1st lieutenant.

8 p. m. to mid.—At anchor off village St. George. Numerous seals heard playing about the vessel.—J. H. Quinan, 2d lieutenant.

Aug. 21st.

At anchor, St. George.

Merid. to 4 a. m.—Seals numerous; at anchor.—C. E. Johnson, 3rd lieutenant.

4 to 8 a. m.—Seals scarce between the islands; saw two medium-sized at 6.30.—S. E. Maguire, 1st lieutenant.

8 a. m. to Merid.—Only a few seals seen in water, and those in vicinity of St. Paul.—J. H. Quinan, 2nd lieutenant.

Merid. to 4 p. m.—Seals scarce, medium sized and small; sent out

boats at 2 p. m.; numerous seals from 12:45 to 1:30; all awake.—C. E. Johnson, 3rd lt.

4 to 6 p. m.—Saw 10 medium, 5 small, and 2 large seals jumping; at 5, boats returned with 4 seals, 3 nursing cows and 1 virgin cow.—S. E. Maguire, 1st lt.

6 to 8 p. m.—Saw 4 large, 7 medium, and 12 small seals jumping and playing.—J. H. Quinan, 2nd lt.

* * * * *

Aug. 22nd.

Mid. to 4 a. m.—

* * * * *

4 to 8 a. m.—4:15, saw one medium jumping; 5:00, saw one medium jumping; 7:00, saw one medium jumping.—J. H. Quinan, 2nd lt.

8 a. m. to Merid.—9:30, saw one small seal asleep; 10:00, one medium jumping.—C. E. Johnson 3rd lt.

* * * * *

6 to 8 p. m.—6.30, saw one yearling jumping.—C. E. Johnson, 3rd lt.

* * * * *

Aug. 23rd.

* * * * *

Aug. 24th.

* * * * *

Merid. to 4 p. m.—3:40, saw two large seals jumping.—C. E. Johnson, 3rd lt.

* * * * *

Aug. 25th.

* * * * *

Aug. 26th.

* * * * *

4 to 8 a. m.—7:45 saw one medium-sized seal jumping; 7:50 saw another.—C. E. Johnson, 3rd lt.

8 a. m. to merid.—Scattering seals during the watch.—S. E. Maguire,

* * * * *

Aug. 27th.

Mid. to 4 a. m.—Anchor at Garden Cove, St. George.

* * * * *

4 to 8 a. m.—Saw 2 seals. At anchor.—S. E. Maguire, 1st Lt.

8 a. m. to Merid.—Saw three seals in vicinity of shore, St. George Id., between 11 and 12 a. m.—J. H. Quinan, 2nd Lt.

Merid. to 4 p. m.—St. George to St. Paul. Seals scarce; saw two medium sleepers about 10 miles from St. George, and two small seals awake about same distance from St. Paul.—C. E. Johnson, 3rd Lt.

4 to 6 p. m.—Scattering seals seen during the run between the islands.—S. E. Maguire 1st Lt.

6 to 8 p. m.—Seals numerous around the island near shore.—J. H. Quinan, 2nd Lt.

* * * * *

Aug. 28th.

Mid. to 4 a. m.—At anchor, St. Paul; seals numerous about the vessel.—S. E. Maguire, 1st Lt.

4 to 8 a. m.—Saw 16 seals, one of which was a this year's pup, from 6 to 8 p. m.—J. H. Quinan, 2d Lt.

8 a. m. to Merid.—Seals generally scarce. Saw 4 small, 5 medium, and 1 large seal jumping, and 1 medium sleeping.—C. E. Johnson, 3d Lt.

Merid. to 4 p. m.—Saw 3 medium, 2 small and 2 large seals jumping.—S. E. Maguire, 1st Lt.

4 to 6 p. m.—At 5.00, saw two; 5.45, one medium-sized seal.—J. H. Quinan, 2d Lt.

6 to 8 p. m.—6.30, saw one small seal jumping; at 7, one large seal jumping.—C. E. Johnson, 3d Lt.

* * * * *

Aug. 29th.

* * * * *

8 a. m. to Merid.—8:15 saw one large seal; 10:15, saw one large seal; 10:30 saw one medium seal; 11, saw one small seal.—S. E. Maguire, 1st Lieut.

Merid. to 4 p. m.—At 1 saw one small seal. At 4 saw one medium seal.—J. H. Quinan, 2nd Lieut.

4 to 6 p. m.—At 5:00 saw one large seal rolling. At 6:00, 2 large seals traveling.—C. E. Johnston 3d Lieut.

* * * * *

Aug. 30th.

Mid. to 4 a. m.—Too dark to see seals.—C. E. Johnson 3d Lt.

4 to 8 a. m.—Saw scattering seals more numerous last hour.—S. E. Maguire, 1st Lt.

8 a. m. to merid.—Saw numerous seals.—J. H. Quinan, 2nd Lt.

Merid to 4 p. m.—Saw two medium seals jumping between St. Paul and St. George.—C. E. Johnson, 3rd Lt.

4 to 6 p. m.—At St. George Id. comparatively few seals in the water about the island.—S. E. Maguire, 1st Lt.

* * * * *

Aug. 31st.

* * * * *

4 to 8 a. m.—4:50, saw one yearling. 7.00, saw one medium. 7:30, saw two medium-sized, resting on bunch of kelp; 7:50, another medium.—J. H. Quinan, 2nd Lt.

8 a. m. to merid.—At 8.00 saw one medium seal, quickly disappeared.—C. E. Johnson, 3rd Lt.

* * * * *

4 to 6 p. m.—Arrived at Unalaska, having finished the season's work in Bering Sea.

Approved and respectfully submitted.

C. L. HOOPER,
Capt., U. S. R. M.

Report of Captain Hooper, dated November 21, 1892.

REVENUE MARINE STEAMER *Corwin*,
Port of San Francisco, Cal., Nov. 21, 1892.

Hon. JOHN W. FOSTER,
Secretary of State, Washington, D. C.:

SIR: I have the honor to submit the following statement of information gained during a cruise in the vicinity of the Aleutian Island Passes in October and November of this year, made in obedience to telegraphic orders from the honorable the Secretary of the Treasury, dated September 7th and received by me at Sitka, September 17th,

Instructions. directing me to leave Sitka as soon as possible after the receipt of the orders and go direct to Unalaska; from that port to visit all the passes of the Aleutian Chain to the eastward of and including Four Mountain Pass; to observe through which passes the seals were entering the Pacific Ocean, and the pass or passes through which the greatest number appear to migrate; to note as far as possible the passes particularly frequented by pup seals and adults, respectively, provided such distribution appeared to exist; to collect affidavits from the natives near the passes as to the usual time the seals pass southward through the Aleutian Chain, with any details as to classes of seals; to cruise along the Aleutian Islands until the main body of the seals appear to have entered the Pacific—if not later than November 1, then to touch at Unalaska sending all information collected to the honorable the Secretary of State, retaining duplicate copies for later transmission; to proceed thence to the southward of the Aleutian Chain to obtain information as to the position of the seal herd, its direction of travel, and whether traveling in herds or singly, and to reach Port Townsend or San Francisco not later than November 30th, and to forward report of observations to the State Department, the object of the investigation being to ascertain more accurately than before known the movements of the seal herd after leaving the Pribilof Islands and before it appears off the coasts of California and Oregon.

In obedience to these orders I left Sitka with my command on September 25th and arrived at Unalaska on October 2nd. I engaged the services of Peter Shaisnakoff, an intelligent young native of Unalaska, who speaks English, Russian, and Aleute, appointed him and swore him in as a United States interpreter. This man was interpreter to the British Commission last year; he was also interpreter on board the steamer *Albatross* on her cruise to the Commander Islands during the present season.

I then proceeded to cruise in the vicinity of the Aleutian Island Passes, making observations and collecting affidavits of the native hunters. In all eighty (80) affidavits were taken. There being no means of forwarding mail, on November 1st, as directed, these affidavits were forwarded as opportunity offered. On October 11th forty (40) were forwarded per steamer *Signal*. On October 17th eighteen (18) originals and the duplicates of the forty previously mailed were forwarded by steamer *Dora*. The balance, twenty-two (22), original and the duplicates of the eighteen forwarded on October 17th are forwarded by this mail. The remaining duplicates will be forwarded later.

While in the performance of this duty the following-named settlements were visited: Unalaska, Makushin, Kashega, Chernofsky, Burka, Akutan, Sannak, Morzhovia, Belkofsky, Sand Point, and Unga. These include all the native settlements

in the vicinity of the passes except Nikolski. This settlement which is on Umnak Island has no harbor and is a difficult place to make a landing in the fall. It has but ten hunters, six of whom were met by me and their affidavits taken at Chernofsky. Three of the places named, Belkofsky, Sand Point, and Unga, are to the eastward of the passes. My object in visiting these places was to learn whether the seal herds move in that direction after leaving the passes in the fall. At all places visited the affidavits were taken of a majority of all hunters found at home, and when possible of all of them. The number taken represents a majority of all the hunters residing Hunters interviewed. at the places named. Care was observed in taking affidavits to ascertain as nearly as possible the exact meaning of the answer given by the natives by putting the question in different forms, by frequently referring them to the chart, etc. In answering questions in relation to the way seals travel, whether singly or in bands, the number in the bands, etc., I required them to illustrate the number by holding up the fingers.

In the matter of dates I invariably asked whether affiant reckoned time according to the old style or new style. Under Russian rule they learned to reckon time according to old style, and almost without exception they still adhere to the old style, and nearly all answers were given accordingly, but all dates have been reduced to new style in the affidavits by adding twelve days to the dates given. This change was made when the affidavit was taken with the knowledge and concurrence of the native. Many of them understand fully the difference between old style and new style, and to those who did not it was explained. At all times while cruising in the vicinity of the passes a careful lookout was kept. In addition to the officer of the deck, who was on the weather side of the bridge, one of the seal-hunters was stationed on the lee side of the bridge and a quartermaster and seaman on the weather and lee side respectively of the top deck house. No opportunity was omitted to get the facts. The information given by the native hunters in most cases was given cheerfully and I believe honestly. I regard the statements contained in the affidavits submitted as worthy of full credence.

The native hunters divide the seals into six classes, as follows:

Sekatch, old bull; polu-sekatch, half-grown bull; holostyak, young male; matkah, breeding cow; molo-daya-matkah, young cow; koteek, pup. Native classifications of seals.

As a result of my investigations I find that the fur-seals when leaving Bering Sea in the fall go through Four Mountain Pass, Umnak Pass, Akutan Pass, Unimak Pass, and False Pass, by far the greatest number (probably a majority of all the herd) going through Unimak Pass, which being wider than the others is less subject to strong currents, tide rips, etc., than the narrower passes. It coincides most nearly with the line of travel of the migratory herd of cows, young males, and pups, which go to the coasts of California, Oregon, Washington, etc., as well as that of the large number of males which remain in Alaskan waters during the winter. It is also the most available pass for the use of all classes of seals, on account of the prevailing winds. As will be seen by the affidavits forwarded, seals always travel with a fair wind, if possible. A few stray individuals only, mostly pups, go through the narrow pass between Akun and Akutan Islands, which on account of its rapid currents, rocks, and reefs is filled with tide rips and overfalls. Passes through which seals move.

According to native testimony as shown by the affidavits submitted, the season during which the sekatch or old bulls go through the passes is from the 15th to the 22nd of October. They leave the sea ahead of the migrating herd, always travel by themselves, and go very fast. After leaving Bering Sea they go to the eastward and pass the winter south of Unimak Island and the Alaska Peninsula and in the Alaska Gulf. During our spring cruise we found large numbers of them off the Mt. Fairweather region, where they had undoubtedly wintered. Although I made inquiry of all hunters met with at that time, both white and native, and had a careful lookout kept from the vessel at all times, I could not learn of any number of old bulls having been seen south of the southern limit of Alaska, and only vague rumors of a limited number being taken annually as far south as Forester Island, near Dixon's Entrance. Polu-sekatch or half-grown bulls are often erroneously called "old bulls" by white hunters, the name being properly applied only to the old males inhabiting the breeding rookeries. The old bulls are very large, weighing from six to eight hundred pounds, perhaps more. Two were taken by the *Corwin's* hunters from the herd encountered off the Mt. Fairweather region, the pelts of which weighed sixty-one and sixty-five pounds, respectively.

Individuals of the Polu-sekatch are sometimes found with the migrating herd of cows, young males, and pups, but by far the greater part of them, as well as many of the larger Holostyak remain in Bering Sea or in the waters off the coast of Alaska all winter. They are seen during the winter by the natives of Belkofsky, Unga, and Sand Point, when out sea-otter hunting, and are both seen and taken by the Sannak natives throughout the winter. Many Holostyak and Polu-sekatch remain upon the Pribilof Islands until the ice comes down and drives the fish away, when they must search for other feeding grounds. As I have stated in a former report to the honorable the Secretary of the Treasury, I landed upon St. Paul Island about the 24th of January, 1886, and was informed that a "drive" had been made the day previous and a large number of holostyak (about one thousand) killed.

But few male seals of more than four years of age accompany the migrating herd on its voyage across the Pacific. A large percentage of all the adult male portion of the fur-seal herd remain in Alaskan waters throughout the year, spending the time from May until October upon the Pribilof Islands and the balance of the year in Bering Sea and the Pacific Ocean near the Alaska coast. The great migrating herd consisting of Matkie, Molodaya Matkie, Holostyakie, and Koteekie begin to go through the passes about

October 22d. The invariable answer made by the native to the question—"What time do the cows, young males, and pups first begin to go through the passes?"—was "*Desya tavo Octyabr ya,*" October 10th old style or October 22nd new style. At first they are seen in very small numbers; as a rule, I think, but a few stray individuals go through the passes before the first of November, and the herd is not fairly upon the move before the tenth.

While cruising near the passes during October we saw but five seals in all. On October 20th two were seen, an adult and a pup in the Bering Sea near Unimak Pass. They had apparently no intention of going out at once as they were playing and were in reality swimming away

from the pass when seen. On October 22nd two more seals were seen as before, an adult and a pup in the South end of False Pass, commonly called Morzhovoi Straits, just entering the Pacific. On the same day some hours later a single adult seal was seen near Amagat Island a few miles east of False Pass. It had doubtless come through the Pass.

On November 3rd while cruising in the vicinity of Four Mountain and Unimak passes, under favorable conditions, a northwest wind and moderate sea, a few seals were observed; in each case only single individuals were seen and these seemed to be equally divided between adults, yearlings, and pups. No seals were taken by the native hunters at Kashega, Makushin, or Akutan this year during October. The first taken at Makushin was on November 3rd, a yearling male. The Chernofski natives, who hunt in the bays adjacent to Umnak Pass, took their first seal this year, a pup, on October 28th.

The first seal seen in Unalaska Bay this year was on October 21st, and but five had been seen in the bay up to the end of October. A record kept at Unalaska for the past twelve years shows the average date of the first appearance of seals in the bay to be October 24th, and the average date of the last appearance to be January 1st, the earliest and latest dates, respectively, being October 18th and January 4th.

During strong gales the pups come into the bays in the vicinity of the passes for temporary shelter. This fact doubtless gave rise to the belief that the pups and adults travel separately when leaving Bering Sea: a belief that has no foundation in fact.

The season during which the seals use the passes west of Unalaska (Four Mountain and Umnak) ends about December 1st, one month earlier than in the passes to the east of Unalaska Island. This undoubtedly is due to cold westerly and northwest gales which occur during December and the seals' dislike to traveling against wind and sea, as shown by the testimony of all natives. They can go from the Pribilof Islands to the passes east of Unalaska Island (Akutan, Unimak, and False) with a fair wind, while to reach the passes to the westward of Unalaska Island they have almost continual strong head winds and seas to contend with after the end of November.

About the end of December, or a little more than two months from the time the first seals appear in the passes going from Bering Sea into the Pacific, the main body of the herd may be considered out of Bering Sea, although some seasons seals are seen in the passes as late as the 12th of January. The closing of the migrating season varies a few days from year to year, according to the condition of the weather, an early approach of winter causing an early southward movement of the seal herd and the contrary.

In about the same time that the main body of the herd has occupied in going through the passes and before the last of it is fairly through, the first part of the herd has made its appearance upon the coasts of California and Oregon, having traveled during that time a distance of more than two thousand miles—more than double the distance made on any other part of the route in the same time.

In view of the circumstances—the stormy condition of the sea, the prevalence in the Pacific of heavy easterly gales, the seals dislike to swimming against the wind and sea, the delay necessarily caused in obtaining food, the fact that a portion of the migrating herd consists of pups not yet six months of age, and considering further the rate of

Time when herd is
out of Bering Sea.

Part of herd on
coast.

speed at which seals travel on other parts of the route, they being five months and a half from January 1st to until June 15th making the return trip from the coast of California to the Aleutian Island passes following the coast line which increases the distance about one-third—it is evident that the seal herd after leaving the passes makes its way to the coast of the Pacific States without unnecessary delay. The part of the herd which first goes out through the passes takes a more southerly route than those that go later. But a small part of

Migration routes.

the entire herd goes to the coasts of California and Oregon. Many seals reach the coast further north, some of those coming out through the passes last going no doubt direct to the coast of Washington and even further north.

In 1886 during a passage in the United States revenue steamer Rush from Puget Sound to Unalaska, where we arrived on the 19th of January, I saw fur-seals nearly every day—the vessel having passed through the herd then on its migration from the passes to the coast and extending entirely across the Pacific Ocean. The time of the appearance of the fur-seal herd off the coast of the Pacific States differs slightly with

Herd arrives off coast coincidentally with certain classes of fish.

different seasons, but as I learned during my investigations last spring, and as I have already reported, coincides with the arrival of smelts, herring, and eulachon, which each spring come into the rivers in large numbers to spawn.

If the fish come into the rivers unusually early the seals appear off the coast correspondingly early; if the fish are late the seals are also late. That the seals must find fishing banks on the route does not follow: the supply of surface fishes, squid, etc., appears to be ample for their wants. Both in Bering Sea and the Pacific Ocean during our summer investigation we found herds of seals with their stomachs well filled in nearly two thousand fathoms of water.

In relation to the way seals travel, whether singly or in bands, the natives all agree that they travel singly or in small bands never exceeding five or six and generally by twos and threes.

Manner of traveling.

One intelligent native, in answer to the question, said: "Seals travel like people, sometimes one goes alone and sometimes with another."

Systematic observations of the movements of the seals in the Pacific Ocean, near the passes, at this season of the year is

Observation near passes impracticable in winter.

impracticable. Almost constant gales and thick weather prevail. In the influence of the strong current

through the passes the sea is very rough, and even were it possible for a vessel to remain there, few, if any, seals would be seen. Under such circumstances the seals travel very fast and remain under water except when forced to come to the surface to breathe, and then only the nose is protruded above the water for a moment. In bad weather on the sealing grounds in the Pacific and Bering Sea the seals disappear so entirely that the Indian seal hunters (erroneously) believe they go to the bottom and remain there until the weather becomes better.

Having previously observed the seals over the entire route, and over a large portion of it many times, I am able to state

Seals do not travel in bands.

positively that in no part of it do they travel in bands.

Leaving San Francisco in March of the present year, I followed the seals along the coast northward to the Alaskan Gulf, making careful observations of their habits, etc.; subsequently and while the seals were still moving towards the passes, I went several times over their track between the Alaskan Gulf and the passes. I spent

the month of August observing the seals in Bering Sea, and in addition the cruise just completed, covering October and a part of November.

As stated elsewhere, in making the passage from Puget Sound to Unalaska in January, 1886, I passed entirely through the seal herd then making its migration to the "coast." Mode of traveling.
I have cruised in Bering Sea seven seasons including the present, and have many times been along the coasts of California, Oregon, and Washington during the months that the seals are present. I have at all times in Bering Sea, in the Pacific Ocean, and in the Aleutian Island passes seen seals traveling singly or in twos and threes; frequently a young male, female, and pup are seen together, the only exception to this being when they haul out upon floating patches of kelp. In Bering Sea I have often seen a dozen or twenty seals upon one patch of drift kelp apparently resting. If disturbed, however, they spring into the water and separate, entirely regardless of each other. From my own observations and what information I can gather from all sources, I believe that upon leaving the islands in the fall the seals are entirely independent of each other, each following its own inclination, and that the small groups of twos and threes sometimes seen are but temporary and more accidental than otherwise.

The coast of the Pacific States is the destination of the herd after leaving the passes and a milder climate and the small fish that infest the rivers in the spring the incentives. Destination of herd.
The southern limit of the range of the herd being determined by individual likes is reached by but a small part of the entire herd. Up to the time of reaching the coast the seals are very much scattered. After reaching the coast and while following it along to the northward the scattered seals close up somewhat and assume at times something the character of a herd or band. This, however, is but accidental. If disturbed they always scatter in all directions instead of moving off in one direction, as do walrus, sea-lion, porpoise and other animals that are known to travel in bands or schools.

On November 10th the Corwin left the vicinity of the passes and shaped a course for San Francisco. No seals were seen on that day. On the following morning in lat. $51^{\circ} 49'$ N. long. $160^{\circ} 26'$ W. one seal, apparently a yearling was seen, and on the morning of the 12th in lat. $50^{\circ} 08'$ N., long. $156^{\circ} 40'$ W. what was believed to be a pup seal was seen—the only seals seen during the passage although a good lookout was kept at all times.

I inclose herewith an affidavit covering the main points contained in this statement.

Very respectfully, your obedient servant,

C. L. HOOPER,
Captain U. S. R. M., Comd'g.

STATE OF CALIFORNIA,

City and County of San Francisco, ss:

On the twenty-second day of November in the year one thousand eight hundred and ninety-two, before me, ALVAN FLANDERS, a notary public in and for said city and county, residing therein, duly commissioned and sworn, personally appeared C. L. Hooper, captain U. S. R. M. commanding, known to me to be the person described in, whose name is subscribed to, and who executed the within instrument, and he acknowledged to me that he executed the same.

In witness whereof, I have hereunto set my hand, and affixed my official seal at my office in the city and county of San Francisco, the day and year in this certificate first above written.

(Seal)

ALVAN FLANDERS,
Notary Public in and for the City and County of San Francisco,
State of California.

REPORT OF CAPTAIN COULSON.

Orders to Captain Coulson.

U. S. S. YORKTOWN, 3RD RATE.

Unalaska, July 18, 1892.

Captain WASH C. COULSON, U. S. R. M.,
Comd'g. U. S. Revenue Cutter *Rush*:

SIR: When you have filled with coal and the vessel under your command is in all respects ready for sea, you will proceed to the Pribilof Islands, and having communicated with the Treasury Agent, you will run on radiating lines from these islands in order to obtain the information requested in the enclosed communication addressed to Captain Tanner of the U. S. Fish Commission steamer *Albatross*. You will run the first line directly east from St. Paul and continue on that line until you are satisfied that you have passed the outer limit of the seal herd, when you will then steam north until the Island bears west by north, when you will head for it, and continue until you reach it. Continue this work until you run out on a south course. You will then reverse this operation and follow the compass around until you reach the west point. Continue cruising in this way until it is necessary for you to return to Unalaska for coal. When recoaled resume this work and continue it until you receive further instructions.

You will consider this duty as in addition to your duty as a cruising vessel and you will use your utmost endeavor to obtain the information required.

If at any time you have reason to suspect that sealing vessels are about, drop all other work and capture them.

You will receive from the Fish Commission steamer *Albatross* such portion of her sealing outfit as you may require.

Very respectfully,

R. D. EVANS,
Commander U. S. N., Comd'g. U. S. Naval force in Bering Sea.

Report of Captain Coulson.

U. S. REVENUE CUTTER *RUSH*,

Unalaska, Alaska, 6th September, 1892.

Comdr. R. D. EVANS, U. S. N.,

Comd'g. U. S. Naval Forces in Bering Sea, U. S. S. Yorktown:

SIR: I respectfully inform you that in obedience to your orders of July 18th, 1892, regarding the "unexecuted portion of

Instructions.

the duties assigned to the U. S. revenue steamer *Albatross* in Bering Sea in connection with the investigation of seal life," we took on board from that vessel on the first day

of August one seal boat and outfit, one breech-loading shotgun, with ammunition and all the necessary implements for skinning and preserving the seal taken while prosecuting the work. On the same day Mr. A. B. Alexander, fishery expert, and J. E. Lennan, seal hunter, reported on board for duty to assist in collecting specimens of seals and gathering the desired information. I also received from Captain Z. L. Tanner of the *Albatross* a copy of "instructions for the steamer *Albatross*," yet to be executed in connection with the seal work in Bering Sea. Being thus equipped we sailed from this port August 3rd for the Pribilof Islands to carry out as fully and completely as possible your orders, and at the same time collect all of the data required on the subject.

After conferring with the special agent on St. Paul and St. George Islands, the East line was taken up on the 6th day of August and we have cruised diligently; substantially covering that part of Bering Sea Eastward of the Pribilof Islands from the North to the South points of the compass, and as far away from those islands as in my opinion it was necessary to go. The results of our work are herewith submitted to you for your information, and for transmittal to the proper authorities in the form of statement and tables, viz:

1st. A chart* prepared under my direction by Lieutenant Cantwell, of this vessel, showing the track of the vessel, the location of seals, etc. Area covered.

2nd. A transcript of the Seal Log kept while engaged in the work. Accompanying documents.

3rd. A statement by A. B. Alexander, Fishery Expert, as to age, sex, and condition of the seals taken. On this paper will also be found the certificate of J. E. Lennan, the Seal Hunter, who did the hunting and killing.

4th. A general statement on which all of the desired data is given in detail.

Seven seal were killed and taken during the month of August, and the position of each one is given on the Chart, the statement of Mr. Alexander, and the transcript of the Seal Log. Five other seals were shot at, wounded and lost, thus showing a large percentage of loss. Seals taken.

The statement of Mr. Alexander who skinned and dissected the seals shows that six of the seven seals taken were females; three of the number *nursing cows*, three were *virgin*, and one a *male*, or 6 to 1.

None of these seals were taken nearer than 30 miles from St. Paul Island, and the nursing cows at distances of 30, 98, and 110 miles.

At every station where the vessel was stopped cod-fish was taken; in some localities they were abundant, at others only a few were caught. Distribution of fish.

During the month and while prosecuting the work the vessel has cruised nearly three thousand miles, and in the whole time not one vessel engaged in taking seals has been seen. The weather, as will be noticed by the Seal Log, has been unfavorable for sealing a greater part of the time, added to this the scarcity of seals on the Eastern side of the Pribilof Islands will account for the small number of seals observed or taken and the little information gathered. Miles cruised.

On nearly every point of the compass on which the lines were run the seal herd, or what might be termed numerous seals, were passed at ten miles, and the numbers decreased rapidly, so that at forty miles few seals were seen, and at fifty, on most all of the courses, no signs of seals were Range of seals observed.

* See Chart V, Portfolio of Maps and Charts, Counter Case.

seen. The exception to this rule was in one or two of the Northern and North Eastern lines, where seals were met in small numbers, one hundred miles away from St. Paul Island; these were apparently feeding on some surface food, as large flocks of whale birds, and in one instance a whale, were in the vicinity. Night coming on prevented close observation or investigation.

Lieutenant Newcomb and a party were landed on Amak Island, but the closest inspection failed to see or find any seals or sign of seal life there, and I have my doubts whether there is any place in Bering Sea, excepting the Pribilof Islands, where seals in any numbers haul out.

I am not prepared to express any decided opinion regarding the rapid decrease of the seals in the Bering Sea and on the Seal Islands, but there is no doubt that unless pelagic sealing outside of Bering Sea can be either limited or stopped, it means the extermination of the seals at an early day.

The skins and specimens collected by this vessel have been turned over to Captain C. L. Hooper, of the *Corwin*, for transportation and to be forwarded with the catch of that vessel to Dr. C. Hart Merriam, Agricultural Department, Washington, D. C.

Very respectfully,

WASH C. COULSON,
Captain.

[Inclosure No. 1 in Captain Coulson's Report of Sept. 6, 1892.]

TRANSCRIPT OF THE SEA LOG OF THE U. S. REVENUE STEAMER RUSH DURING THE MONTH OF AUGUST, 1892.

Date.	Hr.	Position.	Seen from ship.	Wind.	F.	Weather.	Sea.	Temp.		Cond'n.		Size.		
								Air.	Water.	Sleep'g.	Mov'g.	Large.	Med.	Small.
Aug. 3	7 p. m.	Cape Cheerful SE. 25 miles.	1	West	2	Cf.	S	57	54	1	1	1	1	1
Aug. 4	8 a. m.	Cape Cheerful SE., dist. 120 miles.	1	NW	3	O. C. M.	M	53	52	1	1	1	1	1
	9		3							3	3	3	3	
	10		3	NNW	3	O. C. M.	M	57	53	3	3	3	3	
	11		3							3	3	1	2	
	12	Lo. 169° 05', L. 56° 15'	4	NNW	2	O. C. M.	M	57	53	4	4	1	2	1
	1 p. m.		3							3	3	1	2	
	2		3	Calm	0	O. C. M.	S	56	53	3	3	1	2	
	3		5	"	0					5	5	1	4	
	4	Within 10 miles of St. George Id.	5	"	0	O. C. M.	S	56	53	5	5	1	3	1
Aug. 5		Steamed over to St. Paul.												
Aug. 6	9 a. m.		14	Calm	0	B. C.	S			14	14	2	6	6
	10		8	"	0	"	"	52	52	8	8		8	
	11		6	"	0	"	"	"	"	6	6		7	
	12	L. 56° 59', Lo. 169° 50'	9	"	0	"	"	55	50	9	9	2	7	
	1 p. m.		6	NE	2	O. C.	"	"	"	6	6	1	1	4
	2		7	"	2	"	"	55	54	1	6	3	3	
	3		6	"	3	"	"	"	"	5	5	1	4	
	4	L. 56° 59', Lo. 169° 23'	6	"	3	"	"	54	54	1	5	1	1	1
	5		1	NNE	3	"	"	"	"	1	1		1	
	6	L. 56° 58', Lo. 169° 10'	5	"	3	"	"	53	51	1	5	1	4	
	7		1	"	3	"	"	"	"	1	1		1	
Aug. 7	8 a. m.		1	Nly	3	O. R.	"	53	51	1	1	1	1	
	9		1	"	3	"	"	50	"	1	1	1	1	
	10		1	"	3	"	"	"	"	1	1	1	1	
	11		1	"	3	"	"	52	53	1	1	1	1	
	12	L. 56° 30', Lo. 164° 30'	1	"	3	"	"	"	"	1	1	1	1	
	3 p. m.	L. 55° 57', Lo. 164° 3'	1	NNW	3	"	"	53	53	1	1	1	1	

Left Unalaska at 1:10 p. m. of Aug. 3, for seal islands; 2:45 p. m., Cape Cheerful SW., distant 3 miles, set course NW. $\frac{1}{2}$ W. Saw but one seal during the day.

During the afternoon were within 10 miles of St. George Id. Saw 16 seals from noon to 4 p. m., and from that hour until 9 p. m., when anchored off St. George Village, saw large numbers of seals. Dense fog during greater part of the day; not suitable weather for sending the boat away from the ship.

Steamed over to St. Paul Id. Comdg. officer conferred with Mr. J. Stanley-Brown regarding the work to be done, and was ready to commence work under the orders received from Comdr. Z. L. Tanner, U. S. N.

At 5:35 a. m. sent out seal hunter. Vessel steaming ahead at intervals, keeping boat in sight. Caught 4 small codfish while vessel was stopped. 11:45 boat returned, having secured one seal.

At 2 p. m., 30 miles east from East Landing, St. Paul, put out seal boat. Sounded in 42 fathoms. Caught 3 small codfish here.

At 4:40 p. m. boat returned, having secured 1 seal. From boat: Seen 25; wounded and escaped 6; killed and taken, 2.

At distance of 200 miles east of the islands the course was changed to SE. x E., and we ran that course 70 miles to vicinity of Amak Id., seeing but one seal during the run.

Weather rainy and thick most of time; not suitable weather for sealing.

Transcript of the sea log of the U. S. Revenue Steamer Rush during the month of August, 1892—Continued.

Date.	Hr.	Position.	Seen from ship.	Wind.	F	Weather.	Sea.	Temp.		Cond'n.		Size.			
								Air.	Water.	Sleep'g.	Mov'g.	Large.	Med.	Small.	
Aug. 8	7 p.m.		2	SSW.....	5	O. Q.....	M..	50	50	....	1	1	....	....	Conditions of weather and sea unfavorable for sighting seals. None seen up to 12 m. Landed Mr. A. B. Alexander and Captain Lennan and Lieut. Newcomb on Amak Id. for the purpose of ascertaining if there were any seals or seal-life. 11.50 boat returned with party, having seen no indications of seals or seal-life. No seals were seen in the vicinity of Amak Id. Caught plenty of codfish between Amak Id. and the mainland in 15 to 20 fms. water. From noon to 9 p. m. course west; from 9 to end of day vessel hove to in gale.
Aug. 9	6 a.m.	St. Paul Id. W. x N. 130 miles.	1	W.....	4	O. C.....	R...	51	51	....	1	....	1	....	Course W. x N. for islands. Sea too rough for sealing.
	5 p.m.	St. Paul Id. W. x N. 95 miles.	1	".....	5	".....	".....	52	52	....	1	....	1	....
	7 ..	St. Paul Id. W. x N. 80 miles.	1	".....	8	".....	".....	54	51	....	1	....	1	....
Aug. 10	5 a.m.		8	West.....	1	O.....	S.....	51	51	....	8	....	8	....	Course W. x N. Sent out seal hunter at 5.30 a. m. Sounded in 42 fms, broken shells. 7.30 picked up boat, having secured no seals. 8.30 a. m. sent out hunter, sounded in 40 fms, gray sand. 12.05 picked up boat again, having secured no seals. 1.15 p. m. sent out hunter again; steamed ahead slowly to keep boat in sight; 4.15 boat returned with no seals; seals abundant near islands. 7.40 p. m. anchored in SW. anchored St. Paul Id.
	6 ..		2	".....	1	".....	".....	51	51	....	2	....	2	....
	8 ..	L. 50° 58' N. 169° 13' W. N.W. dist. 20 miles.	5	".....	1	".....	".....	53	52	....	5	....	5	....
	9 ..	Polevina Mt., St. Paul Id.	1	Wly.....	2	O. M.....	".....	51	52	....	6	1	5	....	From boat: Seen, 4; wounded and escaped, 0; killed and taken, 0.
	2 p.m.		6	".....	2	".....	S.....	51	50	....	6	....	6	....
	3 ..	Steaming down E. side	6	".....	2	".....	".....	51	50	....	1	....	1	....
	5 ..		11	".....	3	".....	".....	51	50	....	11	3	7	1	Fresh NW. to W. winds; not favorable for sealing; saw only a few seals between St. Paul and St. Georges Islands. Course ESE. from islands. 6.10 sent out boat; sounded in 42 fms, broken shells; caught 2 small codfish here. No account of number of seals kept during first few hours, on account of proximity to islands. At 8 a. m. picked up boat; not any seals. 8.40 a. m. sent out boat again; sounded in 50 fms, gy. sand. 11.45 boat returned, having secured no seals. At 1.30 p. m. sent out boat; sounded in 85 fms., then steamed ahead slowly in wake of boat. 4.50 boat returned with one seal; caught one codfish here and saw several silver salmon. From boat: Seen, 16; wounded and escaped, 1; killed and taken, 1.
	6 ..	St. Paul Id.	2	".....	1	".....	".....	54	52	....	2	....	2	....
	8 ..		2	".....	2	".....	".....	52	51	....	2	1	1	....
Aug. 11		Steamed over to St. Georges Id.													
Aug. 12	12 m.	South end St. George Id. W. x N. 17 miles.	1	WNW....	2	O. M.....	S.....	58	52	....	1	....	1	....
	1 p.m.		2	".....	1	O. C.....	".....	55	52	....	2	....	2	....
	2 ..	SE. end St. George Id. WNW. 35 miles.	3	".....	1	".....	".....	55	52	....	3	....	3	....
	3 ..		2	".....	1	".....	".....	55	52	....	2	....	2	....
	4 ..		2	".....	1	".....	".....	55	52	....	2	....	2	....
	5 ..	S. end St. George Id. WNW. 40 miles.	7	".....	1	".....	".....	54	52	....	7	....	4	3	
	6 ..		2	".....	1	".....	".....	54	52	....	2	....	2	....
	8 ..		2	NW.....	2	".....	".....	52	51	....	2	1	1	....
	9 ..		1	".....	2	".....	".....	52	51	....	1	....	1	....

Aug. 13	9 a. m.	3 NW	2 B. C.	"	"	55	52	3	2	1
10	"	3 "	2 "	"	"	55	52	3	2	1
11	"	3 "	2 "	"	"	55	50	3	2	1
12	"	2 "	3 "	"	"	55	50	2	2	4
1	1 p. m.	2 NE	3 "	"	"	54	50	3	1	2
2	"	4 "	3 "	"	"	54	50	3	3	3
3	"	3 "	3 "	"	"	53	50	3	3	3
4	"	6 "	3 "	"	"	53	50	3	3	3
Aug. 16		Calm	0							
Aug. 17	7 a. m.	1 SE	4 O. M.	R.	"			1	1	2
9	"	4 "	4 "	"	"	55	53	4	2	2
10	"	4 "	4 "	"	"	55	53	4	2	2
3 p. m.		3 SSW	1 "					1	2	2
4	"	8 SW	1 "	M.	55	53		8	8	2
5	"	7 "	1 "	"	"			7	5	2
6	"	12 "	1 "	"	"	52	52	12	4	4
Aug. 20	7 a. m.	1 N.	2 O. C.	R.	"			1	1	1
8	"	13 "	2 "	"	53	51		13	8	5
9	"	5 "	2 "	"	"	55	53	9	1	4
10	"	9 "	2 "	"	"	55	53	5	4	3
11	"	6 "	2 "	"	"	56	53	6	1	2
12	"	2 NNW	2 B. C.	M.	56	53		2	2	2
1 p. m.		2 "	2 "	"	"	56	53	2	2	2
2	"	1 "	2 "	"	"	56	53	1	1	1
3	"	1 WNW	2 O. F.	"	"			1	1	1
7	"	1 W	2 "	"	"	51	52	1	5	3
8	"	8 "	2 "	"	"	51	52	8	2	2
9	"	4 "	2 "	"	"			4	2	2
Aug. 21	9 a. m.	1 W	2 O.	S.	51	48		1	1	
2 p. m.		2 "	2 B. C.	"	53	49		2	1	1
5	"	4 "	1 O.	"	51	50		4	2	2
7.30										
Aug. 22	6 a. m.	1 SE	2 O. R.	S.	51	50		1	1	1
7	"	2 "	2 "	"	51	50		2	3	3
8	"	2 "	2 "	"	51	50		2	3	3
10	"	1 "	2 "	"	52	50		1	1	1
11	"	1 "	2 "	"	52	50		1	1	1
12	"	2 "	2 "	"	52	50		2	2	2
1 p. m.		7 "	2 O. F.	"	53	52		7	4	1
2	"	4 "	0	"	53	52		4	3	1
3	"	4 Calm	0	"				4	3	1

Transcript of the sea log of the U. S. Revenue Steamer Rush during the month of August, 1892—Continued.

Date.	Hr.	Position.	Seen from ship.	Wind.	F	Weather.	Sea.	Temp.		Cond'n.			Size.		
								Air.	Water.	Sleep'g.	Mov'g.	Large.	Med.	Small.	
Aug. 22	4 p. m.		4	Calm	0	O. F.	S	53	52	4	1	4	1		From boat: Seen, 6; wounded and escaped, 1; killed and taken, 0. Course E. x N. till 11.15 a. m., then north till 2.30 p. m. when set course WSW. Heavy rain during morning, 5.30 a. m. sent out boat,—sounded in 38 fms. blk. sand and mud. 6.30 picked up boat, with no seals. 8.30 a. m. sent out boat again,—sounded in 38 fms. fine sand and mud; caught cod here. 11.15 picked up boat, with no seals. 3 p. m. sent out boat; sounded in 35 fms. blk. mud. 5.20 picked up boat with one seal. From boat: Seen, 3; wounded and escaped, 1; killed and taken, 1.
	5		1	Sly.	1	"	"	53	51	1	1	1			
	6	L. 57° 04', Lo. 169° 05'	1	"	1	"	"	"	53	51	1	1	1		
Aug. 23	6 a. m.		2	SW	2	O. R.	M.	51	50	2	2	2	2		Course E. x N. till 11.15 a. m., then north till 2.30 p. m. when set course WSW. Heavy rain during morning, 5.30 a. m. sent out boat,—sounded in 38 fms. blk. sand and mud. 6.30 picked up boat, with no seals. 8.30 a. m. sent out boat again,—sounded in 38 fms. fine sand and mud; caught cod here. 11.15 picked up boat, with no seals. 3 p. m. sent out boat; sounded in 35 fms. blk. mud. 5.20 picked up boat with one seal. From boat: Seen, 3; wounded and escaped, 1; killed and taken, 1.
	7		2	"	2	"	"	51	50	2	2	2	2		
	8		2	"	2	"	"	51	50	2	2	2	2		
	12 m.	L. 57° 05' Lo. 166° 05'	2	SE.	1	"	S	51	50	2	1	1	1		
	1 p. m.		2	"	1	"	"	54	51	1	1	1	1		
	2	L. 57° 23' Lo. 166° 03'	2	"	1	O. C.	"	"	54	51	2	1	1	1	
Aug. 24	6 a. m.		1	SSW	4	O. Q. R.	M.	54	51	1	1	1	1		Course WSW. 4.30 p. m. anchored, SE. anchorage NE. Point, St. Paul, and at 8.15 under way again, and steered NE. Weather unsuitable for sealing. Boat not sent out during the day.
	7		1	"	5	"	"	50	50	6	6	6	6		
	10		6	"	5	"	"	"	50	50	2	2	2	2	
Aug. 25	11		2	"	5	"	"	"	49	49	1	1	1	1	Sea too heavy for sealing—Course NE., for 120 miles from St. Paul, then hauled up NW. x N. Rainy and squally nearly all day; moderate choppy sea.
	12	L. 57° 33' Lo. 169° 40'	1	SSE	3	B. C.	"	49	49	1	1	1	1		
	2 p. m.		1	"	2	"	"	47	49	1	1	1	1		
	3		1	"	2	"	"	47	49	1	1	1	1		
Aug. 26	4		1	"	3	"	M.	52	50	1	1	1	1		At 4.38 a. m. changed course to SSW, for St. Paul. Fresh breeze, NNW., and rough sea. Unsuitable for sealing.
	9 a. m.	L. 57° 30' Lo. 168° 10'	1	NE	3	"	"	52	50	1	1	1	1		
	10		1	"	3	"	"	52	50	1	1	1	1		
	5 a. m.	St. Paul Id., SSW., 120 miles.	1	NNW	4	O. R.	R.	49	49	1	1	1	1		
	6		1	"	5	"	"	"	50	50	1	1	1	1	
Aug. 27	12	L. 57° 35' Lo. 168° 50'	1	"	5	B. C.	"	50	50	1	1	1	1		At anchor, East Landing, St. Paul Id.; strong breeze, NW., and unsuitable for sealing.
	3 p. m.		1	"	5	"	"	50	50	1	1	1	1		
	5		1	"	6	"	"	50	50	1	1	1	1		
Aug. 28	7 a. m.		3	S	3	O. C.	S	50	50	3	3	3	3		Under way at 5.35 a. m. and steered NE. x E. At 8 a. m. sent out boat; 10.30 picked up boat, having no seals. At 7 p. m. sounded in 38 fms.; fine gray sand. At 8 p. m. 90 miles from St. Paul Id. From boat: Seen, 1; wounded and escaped, 0; killed and taken, 0.
	8	10 miles from St. Paul Id., NE. x E.	10	"	3	"	"	50	50	10	3	6	1		
	9		4	"	3	B. C.	"	50	50	4	1	3	1		
Aug. 29	10		1	"	3	"	"	50	50	1	1	1	1		Under way at 5.35 a. m. and steered NE. x E. At 8 a. m. sent out boat; 10.30 picked up boat, having no seals. At 7 p. m. sounded in 38 fms.; fine gray sand. At 8 p. m. 90 miles from St. Paul Id. From boat: Seen, 1; wounded and escaped, 0; killed and taken, 0.
	12	L. 57° 14' Lo. 169° 12'	2	"	2	"	"	51	51	1	1	1	1		
	1 p. m.		1	"	2	"	"	51	51	1	1	1	1		
	2		2	"	2	"	"	54	51	3	3	3	3		
	2	L. 57° 16' Lo. 169°	3	"	2	"	"	50	50	1	1	1	1		
	6		1	"	2	C.	"	50	50	1	1	1	1		

Aug. 29	6 a. m.	1. 58° 26' Lo. 166° 45'	1	SSE	3	O. C.	S.			1	1	
	12 m.	L. 58° 15' Lo. 167° 10'	10	SE	5	O. M.	M.	50 49	10	1	4	5
	2 p. m.		5	"	5	"	"	50 49	1	1	1	
	4		4	"	5	"	"	50 49	4	4	4	
	5		2	"	5	"	R.	51 49	2	2	2	
	6											
Aug. 30	7 a. m.		1	SSE	7	O. F. R.	R.	49 49	1	1	1	
	10		1	"	7	"	"	51 50	1	1	1	
	1 p. m.	{ 6 to 8 miles to E'd of St. Paul Island.	20	Sw'y	4	"	"		20	10	10	
	2		7	"	3	O. M.	"	49 49	7	3	4	
	3		9	"	2	"	M.	49 49	9	5	4	
	4		12	"	2	"	"	49 49	12	6	6	
Aug. 31	5		2	"	2	"	"	51 49	2	2	2	
	6		2	WSW	2	"	"		2	2	2	
	2 p. m.	L. 55° 48' Lo. 169° 05'	1	SSW	6	R. C.	R.	51 51	1	1	1	
	4	L. 55° 34' Lo. 169° 25'	1	"	7	O. C.	"	50 50	1	1	1	
Sept. 1												

Course NE. x E. until 4 a. m., when hauled up NW. x N., and at noon steered SW. x S. 5:30 a. m., sounded in 33 fms; sent out boat; caught a number of seals here, 8:05; picked up boat having no seals. Fresh SE. wind, unfavorable for sealing. About 2 p. m. a herd of seals, 10 in number, were seen at same time with large flock of whale birds.
From boat: Seen, 1; wounded and escaped, 0; killed and taken, 0.

Course SW. x S.; mod. gale SE.; sea rough, not suitable for sealing; stood along E. side St. Paul until opposite village (2:30 p. m.) and then kept away for St. George. Few seals seen until close to the islands; sea too heavy to send boat out; anchored off St. George village, 6:30 p. m.

Under way 5:40 a. m. Steered SSE.; at 9 a. m. strong wind to mod. gale SSW. to SW.; sea rough; unsuitable weather for sealing.

At 10:15 a. m., anchored in Dutch Harbor, Unalaska Id.

Certified to be a true and correct copy of the seal log kept on board the U. S. Revenue Cutter *Rush* while prosecuting seal investigation in Bering Sea during the month of August, 1892.

UNALASKA, ALASKA, 6th September, 1892.

WASII. C. COULSON,

Captain.

I, A. B. Alexander, fishery expert, U. S. Fish Commission, certify that I examined all the above seals, and the data is true and correct.

A. B. ALEXANDER.

I, J. E. Lennan, seal hunter, certify that the above seals were killed by me at the time and place mentioned.

J. E. LENNAN.

I certify that the within is a true copy of the statement of A. B. Alexander, and that the data is all correct.

WASH. C. COULSON,
Captain Commanding Rush.

6TH SEPTEMBER, 1892.

[Inclosure No. 3 in Captain Coulson's Report of September 6, 1892.]

STATEMENT OF SEALS TAKEN IN BERING SEA BY THE U. S. REVENUE STEAMER RUSH DURING THE MONTH OF AUGUST, 1892.

Date.	Latitude and longitude.	Meteorology.							Seals taken.					Seals seen from boat.			Condition of stomachs of seals taken.		Remarks.						
		Wind.	Force.	Weather.	Clouds.	Barometer.	Temperatures.		Sea.	Available for sealing.	Catalogue number.	Young males.	Nursing cows.	Virgin cows.	How killed.	Asleep or awake.	Wounded but not taken.	Seals lost by sinking.		Number.	Asleep.	Moving.	Full.	Empty.	Contents.
1892. Aug. 6	56 59 N. 169 50 W.	Calm.	0	b. c. . .	Cum. cir. . .	29.66	56 55	51	S.	Good	1	1	1	1	1	Shotgun	Awake	0	16	16	1	1	1	.....	St. Paul I. west 30 miles distant; depth of water 42 fth.
6	56 59 N. 169 32 W.	NE. . .	2	b. c. t. . .	do. . .	29.65	54 55	54	S.	Good	2	2	1	1	1	Shotgun	Awake	1	9	1	8	1	1	.....
12	56 15 N. 168 37 W.	NNW. .	1	b. c. . .	Nimbus . .	30.25	58 55	52	S.	Good	3	3	1	1	1	Shotgun	Awake	1	10	2	8	1	1	Fish bones	
13	54 47 N. 165 53 W.	NW. . .	1	b. c. . .	Cum. strat. .	30.30	55 53	52	S.	Good	4	4	1	1	1	Shotgun	Asleep. . .	0	4	2	2	1	1	.....
21	58 25 N. 168 30 W.	West. .	2	b. c. . .	Cir. cum. . .	29.77	51 49	49	S.	Good	5	5	1	1	1	Shotgun	Awake	1	6	1	5	1	1	.....	St. Paul I. S. by W. 90 miles distant; depth of water 30 fth.
21	58 25 N. 168 30 W.	West. .	2	b. c. . .	do. . .	29.78	50 50	50	S.	Good	6	6	1	1	1	Shotgun	Awake	1	5	1	5	1	1	Fish bones	
23	57 23 N. 166 03 W.	Calm. .	0	Fog. . .	Nim. cum. .	29.64	50 50	51	S.	Good	7	7	1	1	1	Shotgun	Awake	1	3	1	3	1	1	Fish bones and a small cod.	St. Paul I. WSW. 110 miles distant; depth of water 35 fth.

Approved this 5th day of September, 1892, and respectfully submitted.

WASH. C. COULSON,
Captain U. S. R. M., Commanding.

Certified to be a true copy of the ship's records.

J. C. CANTWELL,
Second Lieut. U. S. R. M., Navigator.

REPORT OF SPECIAL AGENT HENRY.

Orders.

DEPARTMENT OF STATE,
Washington, October 1, 1892.

A. J. HENRY, Esquire,
San Francisco:

SIR: You are hereby appointed a special agent of the Department of State for the purpose of making an investigation at Victoria, B. C., and elsewhere, to obtain such testimony as is possible, and to report upon matters connected with the claims presented by the British Government before the Tribunal of Arbitration to convene at Paris. Appointment.

You will receive more specific instructions from W. H. Williams, esquire, special agent of the Treasury Department in San Francisco, and under whose direction you will act in the matters entrusted to you.

I am, sir, your obedient servant,

JOHN W. FOSTER.

Report.

SAN FRANCISCO, CAL., November 19th, 1892.

To the honorable the SECRETARY OF STATE:

SIR: I have the honor to report that in accordance with my letter of appointment as special agent of the State Department, I reported to Major W. H. Williams, special Treasury agent, and from him received the following verbal instructions: To proceed at once to Victoria, British Columbia, and to obtain such testimony as I was able, in the Bering Sea controversy in relation to the cost of sealing vessels, their outfits, and so forth, and all other matters appertaining to the question at issue before the Tribunal of Arbitration to be hereafter convened in Paris. Instructions.

Pursuant to such instructions, I proceeded directly to Victoria, British Columbia, leaving San Francisco on the 10th of October, 1892, and arriving at Victoria on the 13th. I at once took steps to find out the disposition of the sealers towards the United States in the Bering Sea controversy. As a result of my investigations I found that public sentiment was very bitter against our Government, that the citizens of the city of Victoria were in sympathy with the sealers and that they were very cautious what they said in relation to sealing. Public sentiment bitter against United States.

The Sealers Association of Victoria has among its members some prominent citizens of the city and has a great deal of influence, and the residents seem to be afraid to incur the displeasure of the association. I at once saw that it would be utterly impossible to obtain written testimony in Victoria contrary to the interests of those engaged in the sealing business, because any person giving such testimony would be boycotted by those in sympathy with the sealers and probably ruined financially. Difficult to obtain written testimony.

A few days after my arrival I formed the acquaintance of several owners and masters, as well as many of the crew and hunters of sealing vessels, and owing to the fact that they supposed, from my inquiries, that I desired to engage in sealing the coming season, they talked freely with me as to Sources of information.

the cost of building, outfitting, and furnishing sealing vessels, and also in relation to the wages paid or the "lay" of the crew, the probable profits for the future, and their experience with the sealing fleet in the past few years. The following is the substance of these various conversations, from notes made at the time when they were held, together with the names, occupations, and experiences of my informants, which notes are substantially correct transcripts of the conversations, all of which took place in the city of Victoria between October 14th, 1892, and November 16th, 1892.

Captain D. Morrison, who was mate on the sealing schooner *Willie McGowan*, this year, stated to me that sealing boats cost \$100 apiece when new, and that it costs from \$7.00 to \$10.00 per month for subsistence per man.

Cost of boats and subsistence.

Captain Seward, owner of the sealing schooners *Dora Seward* and *Mascot*, and who has had seven years' experience in the sealing business, stated that his provision bill for a crew of twenty-five men on the *Dora Seward* was \$1,200 for a cruise of seven months. He further stated that steam vessels for sealing purposes were very poor property and that not one in the fleet has ever paid expenses since it was built. He also said that the *Dora Seward* is 99 tons register, that she is new and first-class and cost \$14,000 all equipped and outfitted for a season's cruise. Regarding the coasting trade of sealing ves-

Cost of *Dora Seward*.

Coasting trade unprofitable.

sels during the months of October, November, December, and January, Mr. Seward said "It would not pay and there was nothing in it." He further stated, that Carne & Munsie (grocers, shipowners and outfitters of vessels) told him on October 31st, 1892, that they would agree to furnish groceries, supplies, etc., for an Indian crew for one-half what it would cost to fit out an equal crew of white men; that they had had both white and Indian crews on their vessels, and that an Indian crew was not over half the expense of a white crew. He also said that Indians furnished their own canoes and canoe outfits.

Indians less expensive than whites (Capt. Seward).

Captain McLain, master of the sealing schooner *Favorite*, made me the following statements:

I have employed both white and Indian hunters; Indians are now as expensive as white hunters; they want everything and plenty of it. Five or six years ago I could feed them on molasses, rice, or anything, and they would be satisfied. Then it did not cost much to feed them. They are always paid by the skin and furnish their own canoes and spears. Formerly they did not use the gun but very little, preferring the spear; but now they use the gun mostly. The cost of feeding a white crew is from \$7.50 to \$8.00 per month to the man. \$2,000 will cover everything for a crew of twenty-five men for an eight months' cruise.

Indians as expensive as whites (Capt. McLain).

Captain Pinckney, master of the sealing schooner *Henrietta*, stated to me:

Provisions for a cruise of seven to eight months for a crew of twenty-three to twenty-five men will cost about \$1,600 to \$1,800; this also includes ammunition. Indians furnish their own canoes and are paid so much for each skin, but receive no wages. They are sometimes given \$10.00 each bounty money to get them to go North. We give them bread, rice, sugar, and potatoes. The sealing season begins about March 1st and closes from August 1st to September 1st; generally aim to get home by the first of September.

Cost of equipment.

Captain McDonald, mate on the sealing schooner *Favorite* in 1892, stated:

Cost of provisions. It does not cost over \$8.00 per month per man for food. I am confident \$2.00 a week will feed a man well.

As to the matter of "coast trading" during the months of October, November, December, and January, I have conversed with Captains McLain, Morrison, Pinckney, Seward, McDonald, and several others, and they each and all said that "there is nothing in it and it would not pay to fit out for it," and cited me to the fact that if it would pay there would be plenty of the vessels engaged in it, instead of laying in the harbor here during those months.

Coasting trade unprofitable.

Carnie & Munsie, Captains Grant, Seward, and others in Victoria are engaged in or interested in the mercantile business and own several schooners each, so that they are in the best possible position to engage in the "coast trade" and make it profitable, if anyone could, and they would certainly do so if there was any profit in it. As it is, not one of the sealing fleet goes into that business during the winter. There are at this time about fifty-five (55) sealing schooners in Victoria harbor laying idle. This fact alone is conclusive evidence as to the profitability of the "coast trading business."

William Turpel, esq., who is the proprietor of the Central Ship Yards at Victoria, and also owner of the sealing schooner *Sadie Turpel*, stated to me that his provision bill for 23 men for an eight months' cruise was \$1,500, and about \$400 worth of the provisions were brought back. He also stated that he estimated the difference of building a schooner for steam auxiliary would cost about \$200 more for the carpenter work.

Cost of provisions.

Extra cost for steam.

H. R. Foot & Co., who are builders of yachts, boats, and canoes, stated that they would build a schooner for me at the rate of \$75 per ton gross tonnage. Mr. Foot is now building a steam schooner of 16 tons capacity, the price of which he stated to be \$2,000 all complete, with compound engines, boiler, and surface condenser. He further stated that he would advise me not to build a schooner supplied with auxiliary steam power, as such vessels so far have failed to prove satisfactory or successful on account of their not being able to carry proper sails, so as to be good sailing vessels, and have not sufficient steam capacity to use steam altogether.

Cost of schooner.

Auxiliary steam power not advantageous.

R. W. Calvin, esq., proprietor of the Clyde Ship Yards, stated to me that he would build sealing boats at the following prices: Copper-nail boats, \$110 each; galvanized boats, \$98 each, all outfitted with oars, sail, etc.; and he further stated to me that he would advise the use of the galvanized-nail boats, as he considered them better, and that the majority of the boats in use by the fleet were galvanized nailed.

Cost of boats.

Mr. Munsie, of the firm of Carne & Munsie, already mentioned, stated that the cost of a stock of provisions for a crew of 23 to 25 for a cruise of 7 to 8 months would be \$1,400 to \$1,500. This is exclusive of the ammunition required.

Cost of provisions.

Martin Kelly, a dealer in stoves and tinware at Victoria, informed me that he was having a steam schooner for sealing, purposes constructed by Clark & Watson, of Victoria, the description of which he gave as follows: Length over all, 75 feet; beam, 14 feet; depth of hold, 7 feet; capacity, about 70 tons. To be supplied with a folding propeller and the best machinery, with power to speed her fully 11 knots per hour, the contract price for such vessel being \$10,000.

Cost of steam schooner.

The following statement in relation to insurance on sealing vessels was given me by R. P. Rithet & Co., agents of the Sun Insurance rates. Fire and Marine Insurance Company, of San Francisco, and also for Lloyd's agency at Victoria. The rate on sealing schooners and cargo is 7 per cent per annum, 4 per cent guaranteed, the policy to be canceled 24 hours after the arrival of the vessel in port. For short rates they gave the following figures: Rate for 4 months, 4 per cent, or \$40 per \$1,000; rate for 7 months, $\frac{7}{12}$ of 7 per cent, or \$40.83 per \$1,000; rate on a vessel while lying in harbor, $1\frac{1}{2}$ per cent per annum.

I hereto append a memorandum handed me by one of said firm in relation to the insurance rates above referred to, which is marked Exhibit A.

I was further informed by Robert Ward & Co., insurance agents of Victoria, that the rate on sealing schooners and their outfits is 7 per cent per annum, and the rate is the same on steam schooners as it is on sailing vessels.

The sealing schooner *E. B. Marvin* having been advertised for sale by an auctioneer on November 7th, 1892, a copy of which advertisement I hereto append, marked Exhibit B, I made inquiries as to the cost of furnishing said schooner with steam auxiliary. I received from the Victoria Machinery and Iron Works a written tender by which they offered to furnish me an engine and boiler for the schooner *E. B. Marvin* as follows: "Upright engine, 14x14, with Clyde boiler, 84 inches diameter, 120 inches long, delivered at Victoria, for the sum of \$4,400," which tender I hereto attach, marked Exhibit C. They also stated to me that such an engine and boiler would be of sufficient power to drive the said schooner at a speed of from 8 to 9 knots an hour.

The said auction sale of the schooner *E. B. Marvin* having been adjourned until the 9th day of November, 1892, I attended such sale in the company of Captains Pinckney, McClellan, Seiward, McLain, Smith, and McDonald. The price for which the said vessel was sold was \$6,800, all complete, with seven boats, ten Parker shotguns, one rifle, and everything belonging to her except the stores and provisions.

On the 3rd day of November I viewed the model of a sealing schooner which a Mr. Cline, of Victoria, intends to build this Winter. He stated to me that he already had the lumber out for her, and the sealing boats, and that the size of the vessel would be as follows: 66 feet keel; 83 feet over all; 20 feet beam and 9 feet hold, with a registered tonnage of 65 tons. The cost of the schooner and six boats all ready for the rigging and sails would be \$5,000, and the cost of the rigging and sails would be \$1,500, making a total of \$6,500 for the vessel outfitted with boats, sails etc., ready to receive her stock of provisions for a cruise.

Charles Powers, an old seal hunter who had had seven years' experience, stated that the lay of hunters 5 or 6 years ago was only \$1.50 per skin, and that the wages of boatmen and seamen were \$30 per month.

I had several conversations with Captains Morrison, Pinckney, McLain, McClellan, Smith, and several others who are in the sealing business, and who practically agreed on the following facts: That the seals go as far south as the coast of Lower California, and that many of the sealers start out in the latter part of January or fore part of February, and go south until they meet the

seals, and having fallen in with them, follow them north into Bering Sea. Regarding the proportion of female seals in a catch, different parties varied in their estimates, some placing the percentage at about 60 per cent, while others placed it at 75 per cent of the whole. The majority of them quote the latter figure as being nearest to the probable percentage. The reasons they gave me for there being a greater number of females killed than males is that the females are generally heavy with young and are not so active or lively as the males; consequently they are much easier to capture. The same parties also informed me that the British Government, in the Bering Sea controversy, would maintain that the number of females killed is no greater than the number of males killed, but they stated that such a proposition did not accord with the facts.

Females in catches.

Reason.

I herewith append to my report specifications for two sealing schooners, one of 35 tons register and the other of 80 tons register, which I submitted to William Turpel, proprietor of the Central Ship Yards, of Victoria, and also to

Specifications and bids for schooners.

H. R. Foot & Co., shipbuilders, of said city, marked exhibits D and E. I also append the written bids on said specifications that I received from the said William Turpel, marked Exhibit F, and also the written bid thereon, which I received from H. R. Foot & Co., marked, Exhibit G.

Mr. Foot, of the last-mentioned firm, stated to me that the cost in carpentering work to fit such vessels for auxiliary steam would be very small, and that he would make no extra charge for it should I decide on putting in such steam auxiliary.

I also append two written bids from Victoria firms showing cost of furnishing such vessels with steam, marked Exhibits H and I.

Bids for furnishing steam.

All of which is respectfully submitted.

A. J. HENRY,
Special Agent State Department.

EXHIBIT A.

Insurance rates on sealers.

7 per cent per annum, 4 per cent guaranteed, to be cancelled 24 hours after arrival in port.

Insurance rates:

For 4 mos. on \$1,000 would be equal to guarantee say, 4 per cent, or \$40.

For 7 mos. on \$1,000 would be equal to 7-12ths of 7 per cent, or \$40.83.

Carry 3-4 valuation of vessel and full valuation on invoice of cargo.

EXHIBIT B.

Advertisement of sale of E. B. Marvin.

[Auction on Monday, Nov. 7th, at 11 a. m.—Sealing schooner.]

I have been instructed by the managing owner to sell by auction at my salesroom, Fort and Langley streets, the fine schooner *E. B. Marvin*, 117 net and 123 gross tonnage, built in Kennebunk, Maine, U. S. Frame and plank- ing of white oak, copper fastened; her bottom was metaled last year.

Advertisement of sale of *E. B. Marvin*.

She is well known on the Atlantic and Pacific oceans as being the fastest of the fleets and one of the best sea-going vessels on the coast, being one of the few of the fleet that is well adapted to other purposes than sealing, and is well worthy the confidence of any seaman. The vessel will be sold with all her boats, guns, and outfit now on board. Inspection of experts is invited. The inventory may be seen on application to—

G. BYRNES, *Auctioneer.*

EXHIBIT C.

Bid for engine and boiler for E. B. Marvin.

[Victoria Machinery Depot. Machine Shops 17 and 19 Work St., Rock Bay. Agents for The John Doty Engine Co., of Toronto; Penberthy Injectors; Valvoline Cylinder and Machinery Oils; Magnolia Anti-Friction Metal, etc. P. O. Box 264. Telephone call 570.]

VICTORIA, B. C., 2nd Nov., 1892.

E. A. HOLMAN, Esq.,

P. O. Box 506:

DEAR SIR: Referring to your enquiry for engine and boiler to go into schr. *E. B. Marvin*, we offer to supply one 14'' by 16'' upright engine, with "Clyde" boiler 84'' dia., 120'' long, delivered at Victoria for \$4,400.

Bid for engine and boiler for E. B. Marvin.

Yours, truly,

SPRATT & GRAY.

EXHIBIT D.

Specifications of material and manner of building a schooner of 35 tons, U. S. register, measurement.

Model to be fine, as speed is desired. Internally arranged for a seal hunter. All cleats, cavelts, and fittings for spars shall be of oak, or other good hard wood. Timber not otherwise specified shall be of good Puget Sound pine.

Keel.—10x22'' including shoe.

Stem.—Side 10'' and mold 14'' outside of rabbet. Lock scarfed to keel and fastened with 3x4'' iron.

Sternpost.—14x14'', sided to 6'' at top of keel. Secured to keel with stern knee, fastened with 7-8 iron.

Deadwood.—Side 10'' and mould of sufficient depth to receive the heels of the cants, fastened with 3-4 iron.

Keelson.—10x10'', fastened with two 7-8 bolts to each frame driven from top of keelson to within two inches of bottom of keel.

Frame.—Timbers, side 6'' and mold 8'' at keel and 5'' at deck. Frames spaced 24'' from center to center, fastened to keel with one 3-4 in. bolt. Frame fastening, pine treenail.

Ceiling.—2'' thick from keelson to lower turn of bilge; thence to deck 3'' thick, fastened with 4 and seven inch spikes.

Clamps.—4x10'', worked on to ceiling and fastened with two 3-4'' bolts to each frame, one driven from outside and clinched on clamp.

Deck beams.—6x10'', fastened to clamps and frame with one 7-8 and one 3-4'' bolt to each end of every beam; hanging knees under each end of the partner beams.

Outside plank.—Garboard 3", other 2½ inches thick, fastened with composition spikes and pine treenails, two spikes and two treenails to each frame and plank below the water line, and locust treenails and galvanized spikes above the water line.

Deck.—3x3", laid with grain vertical and fastened with 5-16x5 in. spike, galvanized.

Rail.—3x7 inches, fastened with one 8" galvanized spike to each stanchion.

Plank-sheer.—3 inches thick, fastened with 6 in. galv. spikes.

Bulwarks.—1 1-4x4 T. and G. pine, fastened with galvanized nails.

Rudder.—Stock of oak 8" diameter. Two sets of composition gudgeons.

Windlass.—Double-gearred iron gipsy of proper size.

Cabin.—Extending from side to side at height of rail and fifteen feet fore and aft, with two lengths of berths and pantry on each side, painted with two coats of white paint. Stove for heating.

Spars.—Bowsprit, fore and mainmast. Maintopmast. Two booms, two gaffs of good material, and made with proper proportions.

Sails.—Jib foresail and mainsail, of No. 3 cotton duck; staysail and gafftopsail of No. 8.

Rigging.—Wire standing rigging of proper size and length.

Steering gear.—Wheel and tiller, ropes and blocks.

Anchors.—One of 450, one of 350, and one of 120 pounds.

Chains.—45 fathoms 3-4 in. and 45 fathoms 5-8 in. chain; one coil 3½ in. manilla rope for kedje line.

Caulking.—The vessel shall be well caulked and made tight.

Painting.—There shall be two coats of good copper paint on the bottom and two coats of whitelead paint elsewhere that paint is required.

Yawl boat.—There shall be a 12-foot yawl boat and 4 oars. There shall be one spirit compass, side anchor, and cabin lamps; knives, forks, and dishes for cabin. From the main hatch forward in the hold will be fitted a place for cooking and for the crew to sleep.

Notwithstanding omissions in the preceding specifications, they are intended to cover the building and equipping for sea a schr. of 35 tons, with the exception of galley furniture. Nautical instruments not included in the above. Water casks and ship's stores.

EXHIBIT E.

Specifications for building a schooner of about 80 tons, U. S. register measurement.

Vessel is intended for a seal and otter hunter, and must be a good sailer.

Rudder stock and all fittings for spars shall be of oak or other good hard wood. All not otherwise specified shall be good Puget Sound pine.

Keel.—12x24", including shoe.

Stem.—Side 12" and mold 15" outside of rabbet.

Sternpost.—16x16", sided to 8" at top of keel. Secured to keel by stern knee and composition dovetailed plates and fastened with 7-8" iron.

Deadwood.—Mold of sufficient depth to receive the heels of the cants and fastened with 7-8 iron.

Frame.—Timbers, side 8'' and mold 10'' at keel and 6'' at the deck; frames spaced 28'' from center to center and fastened to keel with one 3 4 in. bolt.

Keelson.—12x14''. Fastened with two 1'' bolts driven from top of keelson to within 2 in. of bottom of keel.

Ceiling.—3'' thick from keel to lower turn of bilge, then six streaks 4 by 10'', fastened with 2 3/4'' bolts to each frame and plank. Thence to deck 3'' thick, fastened with 7 in. spikes.

Clamps.—Six by twelve inches, worked onto the clamps and fastened with two 7/8 in. bolts to each frame.

Deck beams.—8x10''. Partner beams 8x12'', fastened to clamps with two 7/8 in. bolts to each end of every beam. Partner and hatch beams to have hanging knees.

Outside plank.—Garboard 4''. Other 3'' thick, fastened with composition spikes, and pine treenails below the water line (square fastened) and galvanized spikes and locust treenails above the water line.

Plank-sheer.—4'' thick, fastened with galvanized spikes 4x4'', laid with grain vertical and fastened with 3/8x6'' galv. spikes. Rail, 4x10''.

Bulwarks.—1 1/4x4'', fastened with galv. nails.

Cabin.—Extending from side to side at height of rail and fore and aft 15 feet, finished with one stateroom and six open berths. Water-closet and pantry and stove.

Forecastle.—In the hold forward of the main hatch there shall be berths for the crew and a place for cooking.

Rudder.—Stock 10'', white oak, composition gudgeons.

Steerer.—Reed's patent (diamond screw).

Windlass.—Pumpbreak, 16-inch purchase.

Anchors.—One 550, one 450, and one 200 lbs.

Chains.—45 fathoms of 1 in. chain, 45 fathoms of 7/8 in. chain.

Spars.—Free from bad knots and properly made.

Sails.—Jib foresail of No. 1, flying jib No. 5, staysail and gaff top-sail of No. 7, cotton duck.

Rigging.—Wire standing and manila running rigging, one coil 4 in. kedje warp.

Caulking.—The vessel shall be properly caulked and made tight, and the seams cemented below the water line and white-leaded above.

Painting.—Bottom shall have 2 coats of good copper paint. Elsewhere 2 coats of white-lead paint.

There shall be a fourteen-foot yawl boat and four oars, one spirit compass, side and anchor lights, cabin table, lamps and dishes, a foghorn, hand lead, and line.

It is understood that the vessel will be fully equipped and ready for sea, constructed of good material and in a workmanlike manner, excepting galley furniture, water casks, nautical instruments and ship's stores.

EXHIBIT F.

Bid for building 35-ton schooner.

CENTRAL SHIP YARD,
Victoria, B. C., Nov. 16, 1892.

I do agree to build a thirty-five ton sealing schooner, and furnish model and all material. She will be a fast sailer. Will

Bid for schooner. be next to [Haleyon]. I will furnish first-class stock and do the work to the satisfaction of who may superintend the building.

All will be done in accordance with the specifications now on view, for the sum of five thousand dollars. This includes [—?] lining and sternpost for steam, if required.

WM. TURPEL.

EXHIBIT G.

Bid for building 80-ton and 35-ton schooner with auxiliary steam.

[Private.]

WARREN'S WHARF,
Victoria, B. C., Nov. 16, 1892.

E. A. HOLMAN,

Victoria:

DEAR SIR: With reference to your enquiring as to prices of schooners, we have to say that we could supply a schooner of eighty tons measurement, finished and found as per your specifications, for the sum of eight thousand seven hundred and fifty dollars (\$8,750.00). Bid for schooner.

A schooner of thirty-five tons we could supply for four thousand three hundred and twenty-five dollars (\$4,325.00).

In both cases we will guarantee a model which will give satisfaction as to speed and seaworthiness.

We would also mention that in case of your giving us the order, we should be able to build under cover, which would be of great advantage to the hull in winter.

With regard to putting in auxiliary steam power, we are only prepared to submit approximate prices, as we have had no time to get prices from manufacturers. We think an 8" x 10" engine would be about the size for the larger vessel, and the cost of that, with an upright boiler, would probably be about \$2,000.00 extra. Extra cost of steam power.

For the smaller one, a 6" x 8" engine, with upright boiler, would be about \$1,000.00 extra.

We might possibly reconsider the above prices on getting further details as to the construction, etc.

Yours, etc.,

H. R. FOOT & Co.

[Mr. Foot states that the cost in the carpenter work to fit them for aux. steam would be small, and he would make no extra charge for it, should we decide on putting in the steam auxiliary.]

EXHIBIT H.

Bid for furnishing marine engines.

[Victoria Machinery Depot. Machine shops, 17 and 19 Work street, Rock Bay.]

VICTORIA, B. C., 18th November, 1892.

E. A. HOLMAN, Esq.,

Victoria:

DEAR SIR: Your favor of the 14th to O. P. St. John, Mgr. Jno. Doty Engine Co., for whom we are agents here, has been handed to us for reply, and we beg to quote as follows: Bid for steam engine.

One 8"x8" marine engine, with "Clyde" boiler 48 inches dia., 72 inches long, for \$1,175.

One 10"x10" marine engine with "Clyde" boiler 60 ins. dia., 78 inches long, for \$1,850; both delivered at Victoria; or we will furnish both for \$2,800 if ordered together.

The above prices include the following articles:

Engine with link motion, feed-pump or injector, thread-bearing, wheel to throw off centre, propeller shaft and couplings, propeller, stern-bearing, stern pipe and stuffing-box, throttle-valve, lubricator, oil cups and drain-cocks, bilge syphon, sea-cock and flanges, feed-water heater.

Boiler with grate-bars and castings, smoke-box, smoke-stack, stay-band, stop-valve for steam-pipe, globe valve, check-valve, exhaust-pipe, water-pipe, rain curtain, steam gauge, gauge-cock, blow-off cock, glass water-gauge, steam-pipe, whistle, safety valves.

Yours, truly,

SPRATT & GRAY.

EXHIBIT I.

Bid for furnishing engines for 80-ton and 35-ton schooners.

[Office of the Albion Iron Works Co., Ltd., engineers, iron-founders, and boiler-makers.]

VICTORIA, B. C., November 18, 1892.

E. A. HOLMAN, Esq.,

P. O. Box 506, Victoria:

DEAR SIR: This company will supply you with one engine, 7" and 14" x 12", tandem compound, and one boiler, 5' 6"

Bid for steam engine. dia. x 8' long, outside condenser, and 2-blade propeller, 5' 6" diameter, for your 80-ton schooner, for the sum of

\$3,100; and one engine 6" and 12" x 8", tandem compound; one boiler, 4' 6" x 7' long outside condenser, independent air pump, 2-blade propeller, 4' 6" diameter, for the 35-ton schooner, for the sum of \$2,200.

These prices are for machinery set up in boats.

Yours, truly,

W. F. BULLON,
Manager.

STATE OF CALIFORNIA,

City and County of San Francisco, ss.:

A. J. Henry, being duly sworn, deposes and says: The foregoing report made and signed by me is true in every particular.

A. J. HENRY.

Subscribed and sworn to before me this 19th day of November, A. D. 1892.

[L. S.]

CLEMENT BENNETT,
Notary Public.

REPORTS OF U. S. CONSUL MYERS.

Dispatch No. 196 from Consul Myers.

CONSULATE OF THE UNITED STATES,
Victoria, B. C., November 10, 1892.

Honorable WILLIAM F. WHARTON,
Assistant Secretary of State, Washington, D. C.:

SIR: I enclose with this dispatch five special reports, part of which I have been instructed to make. They are entitled as follows:

Citizenship of "Joseph Boscowitz," "Indian Hunters," "Indian Canoe Coast Catch," "Registered Owners," "Value of a Sealing Schooner."

The first four named do not seem to call for comment or explanation. Their import and purpose are obvious.

The fifth, relating to the sale of the schooner *E. B. Marvin*, is significant, as indicating the cash value of a vessel of that description. In my enumeration and valuation of schooners, April 29, 1892, I placed her value at \$9,500, which was decidedly above what she was actually worth, \$6,800, as shown by her sale. This convinces me that my estimate at that time was much too high throughout the list, but I wanted to be fair, and even liberal, with the sealers. With regard to the valuation of schooners and their outfits by the sealers themselves, I think they are at least twice as much, on an average, as the facts would justify.

I am, sir, your obedient servant,

LEVI W. MYERS,
Consul.

[Enclosures as Above Indicated.]

CITIZENSHIP OF JOSEPH BOSCOWITZ.

Joseph Boscowitz, for many years last past a resident of Victoria, British Columbia, stated to me on October 24th, 1892, that he has been all these years, and is now, a citizen of the United States of America.

LEVI W. MYERS,
Consul.

UNITED STATES CONSULATE,
Victoria, British Columbia, November 7, 1892.

INDIAN HUNTERS.

There are eleven Indian reservations on the west coast of Vancouver Island, and in 1891 they contained a total Indian population of 2,864. It is from these reservations that the supply of Indian hunters are obtained for the British Columbia sealing fleet. Statistics obtained at the Victoria custom-house give the number of Indian hunters employed since 1886 as follows:

Year.	No. of hunters.
1886	80
1887	100
1888	No figures given.
1889	385
1890	290
1891	445
1892	495

A majority of these hunters are unmarried young men. It would, perhaps, be a liberal estimate to say that for this year one-third of the coast Indians, or 1,000 persons in all, profited or were in some way dependent on the British Columbia sealing fleet for a livelihood.

LEVI W. MYERS,
Consul.

UNITED STATES CONSULATE,
Victoria, British Columbia, November 10, 1892.

INDIAN CANOE COAST CATCH.

Statistics as to this catch are meagre, no attempt having been made by the Victoria customs-officers to collect them until a year or two ago. In 1891 the customs reported an Indian coast catch, or canoe catch, of 404 skins. Harry Guillod, the Dominion Indian agent for the west coast of Vancouver Island, in his report for the same period, estimates the canoe catch at 1,500 skins. The agent's estimate is probably the nearest correct, for the reason that the skins are brought to Victoria in small lots, some which would be overlooked by the customs authorities.

The canoe catch for 1892 is placed by the customs officers at 1,500 skins.

It is safe to estimate the annual canoe catch on the Vancouver Island coast at 1,000 to 1,500 skins, and no doubt it was greater in former years, owing to the greater number of seals and the ease with which they were approached.

LEVI W. MYERS,
Consul.

UNITED STATES CONSULATE,
Victoria, British Columbia, November 10, 1892.

REGISTERED OWNERS.

The following are the names of the registered owners of sealing schooners, as shown by the official records of the custom-house of this port, clearing from Victoria, British Columbia, and which were seized by United States Revenue vessels in 1886 and subsequent years in Bering Sea, charged with illegal seal-catching.

Carolina.—William Munsie, sole owner for the years 1886, 1887, and 1889.

Anna Beck.—Thomas Henry Cooper, sole owner for the year 1886, 1887, and 1889.

Thornton.—James Douglas Warren, sole owner for the years 1886, 1887, and 1889.

Onward.—Daniel McLean, 32 shares; Charles Spring, 32 shares, for the years 1886, 1887, and 1889.

W. P. Saynard.—Thomas Henry Cooper, 32 shares, and Andrew Laing, 32 shares, in 1886; Jean Ann Scott and Isabell Scott, joint owners of 32 shares, and Thomas Henry Cooper owner of the remaining 32 shares, in 1889.

Grace.—Thomas Henry Cooper, sole owner for the years 1886, 1887, and 1889.

Dolphin.—Thomas Henry Cooper, sole owner for the years 1886, 1887, and 1889.

Ada.—Christopher Lee, 32 shares; James Robinson, 32 shares. *Ada* was registered at Shanghai.

Alfred Adams.—Jacob Gutman sole owner in 1886; Morris Moss in 1888.

LEVI W. MYERS,
Consul.

UNITED STATES CONSULATE,
Victoria, B. C., November 7, 1892.

VALUE OF A SEALING SCHOONER.

The sealing schooner *E. B. Marvin* was sold at public auction at this port November 9, 1892. The price paid, including one suit of sails, six sealingboats, seven shotguns, and one brass signalgun, and one chronometer, was \$6,800.

The *Marvin* is one of the largest of the Victoria sealing fleet; tonnage, 117. She came from the Atlantic coast, was registered at Kennebec, Maine, and transferred to the British flag at Victoria, December 18, 1888, and is the only vessel of the fleet from the eastern coast built of oak. She was formerly called the *Mollie Adams*. She is in good condition, having been newly coppered last winter or spring, at a cost of \$3,200, including other repairs.

She was bid in by R. Seabrook of this city.

This sale and the price paid is an important indication of the value of sealing-schooner property in this port. She is the largest except one (the *Sapphire*) of the sailing fleet; is eight years old, in good repair, and included in the sale was the outfit of equipments above enumerated.

LEVI W. MYERS,
Consul.

UNITED STATES CONSULATE,
Victoria, British Columbia, November 10, 1892.

Dispatch No. 197 from Consul Myers.

CONSULATE OF THE UNITED STATES,
Victoria, B. C., November 24, 1892.

Honorable WILLIAM F. WHARTON,
Assistant Secretary of State, Washington, D. C.:

SIR: With this dispatch are inclosed eight special reports, and a document¹ containing extracts from the evidence in the supreme court of British Columbia, in cases, wherein the litigants were J. D. Warren and Joseph Boscowitz, of Victoria, B. C., and which extracts set forth the business relations of these parties for a number of years, including 1885, 1886, and 1887, and the interest Joseph Boscowitz, an American citizen, had in the sealing schooners seized by United States officials in 1886 and 1887. These special reports are designated as follows:

"Registered Tonnage Record;" "General Statistics;" "Average Catch per Schooner;" "Mortgages on Seized Schooners;" "Cost of Sealing Boat and Outfit;" "Firearms used by Seal Hunters;" "Cost

of Ammunition;" "Division of the Seal-skin Catches by British Columbia Sealers;" and the "Document of Extracts from Evidence."¹

I am, sir, your obedient servant,

LEVI W. MYERS,
Consul.

[Inclosures as above indicated.]

REGISTERED TONNAGE RECORD.

The registered tonnage of the sealing schooners named in the list found below is as follows, according to the register of said vessels in the custom-house at Victoria, British Columbia:

Name.	Registered tonnage.
Anna Beck	40.38
Carolina	31.90
Thornton	29.36
Onward	35.20
W. P. Sayward	59.79
Grace (steamer)	76.87
Dolphin (steamer)	60.10
Ada	56.95
Alfred Adams	68.75

A. R. MILNE,
Collector of Customs.

Customs: *Canada, Victoria, B. C.,*
November 22, 1892.

UNITED STATES CONSULATE, BRITISH COLUMBIA, *Victoria, B. C., November 22, 1892.*

I, Levi W. Myers, Consul of the United States at Victoria, B. C., do hereby certify that the signature of A. R. Milne at the foot of the writing hereunto attached is his true and genuine signature made and acknowledged in my presence, and that the said A. R. Milne is personally known to me; and I do further certify that he is collector of customs at the port of Victoria, British Columbia.

In witness whereof, I have hereunto set my hand and affixed the seal of the consulate, at Victoria, B. C., this day and year next above written, and of the Independence of the United States the one hundred and seventeenth.

[SEAL.]

LEVI W. MYERS,
Consul of the United States.

GENERAL STATISTICS.

The statistics given below present the number of schooners of all nationalities chartered and fitted out in British Columbia for pelagic seal-hunting in the North Pacific Ocean and Bering Sea for the years 1881 to 1892, inclusive. The number of boats and canoes, number of crews including whites and Indians, and the catch of seal skins are also given for the above-mentioned period:

1881.

Total number of schooners, 10—British, 9; American, 1. Number of boats, 12; canoes, 146. Total crews, 338—whites, 46; Indians, 292.

[¹ This inclosure will be found with the "Matter relating to ownership of certain sealing vessels seized by the United States," *post* p. 301.]

Catch was between 13,000 and 14,000 skins. No authentic statistics as to catch, which was all made off the Pacific coast.

1882.

Total number of schooners, 13—British, 12; American, 1. Number of boats, 15; canoes, 200. Total crews, 454—whites, 54; Indians, 400. Catch, 17,700. All coast catch.

1883.

Total number of schooners, 10—British, 9; American, 1. Number of boats, 12; canoes, 148. Total crews, 336—whites, 40; Indians, 298. Catch, 9,195. The small catch of this year is accounted for by a series of severe storms along the coast.

1884.

Total number of schooners, 11; all British. Number of boats and canoes (not given). Total crews, 156—whites, —; Indians (not given). Catch estimated at 16,500. All on coast.

1885.

Total number of schooners, 15; all British. Number of boats and canoes (not given). Total crews, 189—whites, 189; Indians (not given). Catch, lower and upper coast combined, 26,270; Bering Sea catch, 1,200. Total, 27,470.

1886.

Total number of schooners 20—British, 16; American 3; German 1. Number of boats, 83; canoes, 36. Total crews, 372—whites, 252; Indians, 80. Catch, lower and upper coast combined, 13,989; Bering Sea catch, 13,408; total, 26,212.

1887.

Total number of schooners, 21—all British. Number of boats, 90; canoes, 48. Total crews, 411—whites, 311; Indians, 100. Catch, lower and upper coast combined, 12,948; Bering Sea catch, 14,595; total, 27,543.

1888.

Total number of schooners, 17—British 15; American, 2. Number of boats and canoes (not given). Total crews, 294—whites, 294; Indians (not given). Catch, lower and upper coast combined, 6,919; Bering Sea catch, 15,727; total, 22,646.

1889.

Total number of schooners, 24—British, 23; German, 1. Number of boats, 72; canoes, 194. Total crews, 646—whites, 261; Indians, 385. Catch, lower and upper coast combined, 12,703; Bering Sea catch, 16,958. Total, 29,661.

1890.

Total number of schooners, 30—British, 29; German, 1. Number of boats, 107; canoes, 145. Total crews, 628—whites, 338; Indians, 290. Catch, lower coast, 4,870; upper coast, 16,742; Bering Sea, 18,596. Total, 40,208.

1891.

Total number of schooners, 54—British, 53; American, 1. Number of boats, 234; canoes, 176. Total crews, 1,184—whites, 739; Indians, 445. Catch, lower coast, 4,127; upper coast, 17,443; Bering Sea, 29,246. Total, 50,816.

1892.

Total number of schooners, 66—British, 65; American, 1. Number of boats, 273; canoes, 250. Total crews, 1,447—whites, 952; Indians, 495. Catch, lower coast, 4,579; upper coast, 24,585; Asiatic (Copper Island) catch, 14,805. Total, 46,125.

LEVI W. MYERS,
Consul.

UNITED STATES CONSULATE,
Victoria, British Columbia, November 23, 1892.

AVERAGE CATCH PER SCHOONER.

The table found below shows the average catch per schooner of the Canadian sealing fleet from 1881 to 1892, inclusive. The statistics contained therein have been gathered from Canadian official and other authentic sources and are believed to be correct:

Year.	No. of vessels.	Total catch.	Average catch.	Total Bering Sea catch.	Average Bering Sea catch.
1881	9	14,000	1,555	.....	.....
1882	12	17,700	1,475	.....	.....
1883	9	9,195	1,021	.....	.....
1884	11	16,500	1,500	.....	.....
1885	15	27,470	1,821	1,200	80
1886	16	24,144	1,509	12,223	764
1887	21	27,543	1,311	14,595	695
1888	15	22,415	1,494	15,621	1,041
1889	23	27,960	1,215	15,497	673
1890	29	39,547	1,364	18,596	642
1891	53	49,661	937	28,605	539
1892	65	46,125	722	*14,805	227

*Asiatic.

LEVI W. MYERS,
Consul.

UNITED STATES CONSULATE,
Victoria, British Columbia, November 22, 1892.

MORTGAGES ON SEIZED SCHOONERS.

The mortgage record in the custom-house at Victoria, B. C., shows that on Canadian sealing vessels seized in Bering Sea by armed vessels of the United States for alleged infraction of American sealing rights, the following-mentioned mortgages are recorded:

On the *Thornton*, in 1886, a mortgage of \$4,000 and interest in favor of Joseph Boscowitz.

On the *Anna Beck*, in 1886, a mortgage of \$6,000 and interest in favor of Joseph Boscowitz.

On 32 shares of the *W. P. Sayward*, in 1887, a mortgage of \$2,500 in favor of Joseph Boscowitz.

On the *Grace*, in 1886, a mortgage of \$6,000 and interest in favor of Joseph Boscowitz.

On the *Dolphin*, in 1886, a mortgage of \$6,000 and interest in favor of Joseph Boscowitz.

On the *Carolena*, in 1886, a mortgage of \$1,000, no interest, in favor of A. J. Bechtel.

Joseph Boscowitz and A. J. Bechtel were in those years citizens of the United States.

LEVI W. MYERS,
Consul.

UNITED STATES CONSULATE,
Victoria, British Columbia, November 23, 1892.

COST OF SEALING BOAT AND OUTFIT.

The following is the cost of a sealing boat and outfit, new, Victoria prices:

One sealing boat	\$110.00
One sail with pole	4.00
Two pairs oars, at \$2.25 per pair	4.50
Total	118.50

The boats are made usually of white pine. The sail and pole are, as a rule, made aboard the schooners by the boat's crews.

LEVI W. MYERS,
Consul.

UNITED STATES CONSULATE,
Victoria, British Columbia, November 22, 1892.

FIREARMS USED BY SEAL HUNTERS.

Both British and American firearms are used by seal hunters.

The principal British shotguns used are manufactured by W. Richards, C. G. Bonehill, and F. S. Harrison. The Richards gun is worth in Victoria from \$30 to \$35. The Harrison and Bonehill guns are worth \$60.

The American shotguns used are the Parker Bros., Lefevre, L. C. Smith, and Clayborough. The Parker guns are worth from \$50 to \$100, according to grade. A good many hammerless Parkers are used. They are worth about \$65. The Lefevre, Smith, and Clayborough firearms average from \$50 to \$60.

When a hunter uses a high-priced gun it is usually his private property, and is not supplied by the outfitter of the schooner.

The Winchester repeater is the principal rifle used, in sizes as follows: 38-55, 40-60, 45-60, 45-70, 45-90. The average price is from \$18.50 to \$21. A few Marlin rifles are used and cost about \$20 each.

Numbers 8, 10, and 12 shotguns are used. A majority of the hunters seem to think the No. 12 gun (the smallest bore) the most effective for killing seals.

No muzzle-loading firearms are used.

LEVI W. MYERS,
Consul.

UNITED STATES CONSULATE,
Victoria, British Columbia, November 22, 1892.

COST OF AMMUNITION.

The following from an authentic source is the estimate of the amount and cost of ammunition for a Canadian sealing schooner carrying six sealing boats, and with a crew of 22 white men. Voyage to last the entire season, Victoria prices:

Estimate of ammunition.

10 kegs powder (25 pounds each) at \$7 per keg	\$70.00
40 sacks shot (4 sacks to 1 keg of powder) at \$1.50 per sack	60.00
25,000 wads, at 75 cents per thousand	18.75
15,000 primers, at 90 cents per thousand	13.50
1,300 brass shells, at \$7 per hundred	91.00
Total	253.25

The shot used are Nos. 1 and 2 buckshot and "Four A" shot.

LEVI W. MYERS,
Consul.

UNITED STATES CONSULATE,
Victoria, British Columbia, November 22, 1892.

DIVISION OF THE SEAL-SKIN CATCHES BY BRITISH COLUMBIA SEALERS.

The practice of dividing the sealing season into "catches"—that is the "lower coast catch," "upper coast catch," and "Bering Sea catch," is of recent origin. It began, substantially, in 1889. Up to that year the custom of sealing captains was to carry all the skins they took on the way to the North Pacific along with them into Bering Sea and to retain possession of them all through the season, returning with them to Victoria at its close. All attempts, therefore, to divide the skins taken in any one year prior to 1889 into "coast catches" or "Bering Sea catches," are estimates, and, to an extent, unreliable. So, when it is stated that 13 schooners took 30,955 skins in 1886, the statistician is careful to say "*in and about*" Bering sea, and not that they were all taken in Bering Sea. The total catch of that year, including the North Pacific and Bering Sea catches, was only 24,144, as returned by the custom-house records at Victoria. Other illustrations of the misleading character of these reported "catches" could be given.

The basis of a proper and accurate division of the season's work was first furnished in 1889, when the schooner *Wanderer* was sent north to

bring down the North Pacific catches. She arrived at Sand Point June 25, and accomplished her mission, the relieved schooners going thence into the sea.

In 1890 the steamer *Mischief* went on a like mission, taking the skins off the schooners at Northeast Harbor June 22.

In 1891 the steamer *Danube* went north and met the schooners at Alitak Bay June 20.

In 1892 the *Coquitlam* was the steamer employed, meeting the schooners at Tonki Bay and Port Etches, and being seized by the *Corwin* at the latter place June 22.

LEVI W. MYERS,
Consul.

UNITED STATES CONSULATE,
Victoria, British Columbia, November 23, 1892.

REPORT OF TREASURY AGENT LAVENDER.

OFFICE OF SPECIAL AGENT TREASURY DEPARTMENT,
Saint George Island, Aug. 31st, 1892.

J. STANLEY-BROWN, Esq.,
U. S. Treasury Agent in charge Seal Islands,
Washington, D. C.:

DEAR SIR: A careful examination of all the rookeries on this island, [was] made the 29th inst., for the purpose of ascertaining the number of dead seal pups (if any) to be found on the breeding grounds. I have the honor to make you the following report: On North Rookery there were sixteen (16) dead pups, most of which were near the water where they had been killed by the surf, which is frequently the case when they are learning to swim. On Starri Arteel but three (3) dead pups were found. On East Rookery there were nine (9), seven (7) of which were also killed by the surf. There were no dead pups on Little East Rookery, and only six (6) on Zapadnie, all of which were near the water.

Very respectfully, yours,

A. W. LAVENDER,
U. S. Treasury Agent in charge St. George Island.

[Certificate of authentication.]

United States of America.

TREASURY DEPARTMENT,
December 8, 1892.

Pursuant to section 882 of the Revised Statutes, I hereby certify that the annexed paper is a true copy of an official report on file in this Department.

In witness whereof, I have hereunto set my hand, and caused the seal of the Treasury Department to be affixed, on the day and year first above written.

[SEAL.]

CHARLES FOSTER,
Secretary of the Treasury.

NOTES ON THE FUR-SEAL ROOKERIES OF THE PRIBILOF ISLANDS, JULY 18 TO 31, 1892.

By B. W. EVERMANN, of the United States Fish Commission.

Captain Z. L. Tanner having carried out his instructions and returned to Unalaska where a board of survey condemned the boiler of the *Albatross*, thus causing some delay before starting off to the Pacific coast, I decided to devote the time to such an investigation of seal life on the Pribilof Islands as the few days at my disposal would permit.

On the evening of July 17, I left Dutch Harbor on the *Bertha* for the Pribilof Islands. I had with me Mr. N. B. Miller, of the *Albatross* scientific staff, who accompanied me as photographer.

We landed upon St. Paul Island on the morning of July 19, and remained there until the evening of July 24, when we went by the *Bertha* to St. George Island. Owing to rough weather we were not able to land upon this island until the evening of July 27. We remained on St. George Island until the evening of July 31 when we sailed on the *Bertha* for Dutch Harbor where we again joined the *Albatross*.

In view of the limited time at our disposal for the study of the fur-seal rookeries, the plan was adopted of visiting each rookery at least once, and of paying daily visits, when possible, to Lukannon rookery, whose situation and general character rendered it particularly well adapted for observation.

The following is an account of my observations upon the various rookeries:

Lukannon Rookery, Tuesday, July 19, from 1:30 to 4 p. m.

Apparently the height of the breeding season has not only been reached but perhaps passed. From one point I counted as carefully as I could all the seals in view along the rookery for a distance of about 150 feet, the strip being about 100 feet wide.

Counting them by harems, calling one bull and all the cows and pups about him one harem, I obtained this result:

Harem.	Bulls.	Cows.	Pups.
1	1	7	26
2	1	6	60
3	1	4	20
4	1	2	5
5	1	27	12
6	1	10	15
7	1	2	0
8	1	0	0
9	1	5	3
10	1	12	20
11	1	4	5
12	1	5	15
13	1	6	30
Total	13	90	211

The difference between the number of cows and pups is due to two facts, viz: 1, a few of the cows have not yet been delivered of their pups, and 2, most of the cows have already been served by the bulls, and have been permitted to go out in the sea to feed.

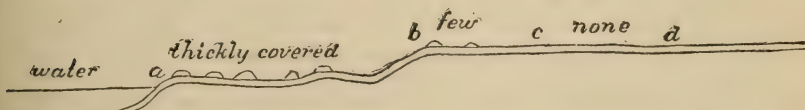
Counting all the bulls, cows, and pups in plain view over a slightly longer strip, I found 15 bulls, 200 cows, and approximately 600 pups.

This is quite certainly a greater number of pups than belong to the 15 bulls, as the pups have already begun to gather into pods, thus destroying the integrity of the families. At one end of the area observed was a very large pod of pups, many of which undoubtedly belong to families further away.

In making the count of harems a good many cows and a great many pups were not counted, as they did not seem to belong to any particular family. These cows had been served, and were consequently allowed to wander from their lords. The pups, apparently, do not long remain in the families where they belong, but soon begin to wander about and to collect for a part of the day at least into large bunches or pods.

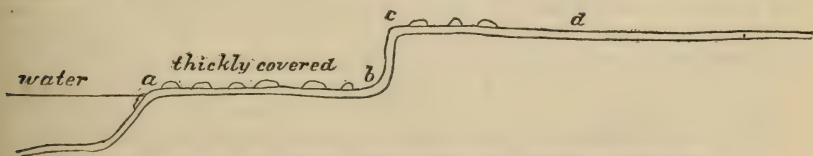
From the first count it would appear that at least 121 out of a possible minimum of 211 cows were out feeding at this time. This is over 56 per cent. By the second count it appears that out of a necessary minimum of 600 cows at least 400 or 66 $\frac{2}{3}$ per cent, were out feeding. These per cents are based, however, upon the supposition that all the pups have been born. As some of the cows have quite certainly not yet had their pups, the percentage of cows out feeding is even greater than here indicated.

Lukannon Rookery occupies chiefly a long narrow rocky strip lying between the water and an approximately vertical bluff. At certain places this bluff is irregular and broken so that seals can climb to its top and spread out upon the relatively level land back of it. The following sketches represent roughly four cross sections of this rookery:



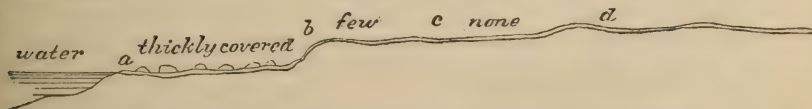
1. Cross section near right end of Lukannon Rookery, July 19, 1892.

From *a* to *b* the seals were apparently as thick as they ever were; from *b* to *c* there were a few seals, yet the ground showed that it had all been used at one time; from *c* to *d* there were no seals, but the rocks on this strip were worn quite smooth and there was no vegetation except a thin coating of the algoid growth so common on abandoned portions of rookeries.



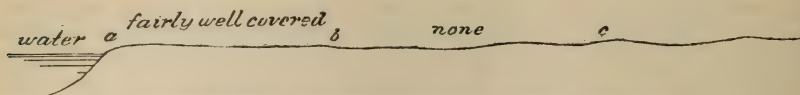
2. Cross section of Lukannon Rookery at left of No. 1, July 19, 1892.

Seals occupied the entire space from *a* to *b*. The space from *c* to *d*, averaging perhaps 100 or 125 feet in width, has been used by seals in recent years as shown by the smooth worn rocks and the character and scarcity of vegetation, but only a few bachelor seals were to be found there now.



3. Cross section of Lukannon Rookery at left of No. 2, July 19, 1892.

Seals were thick between *a* and *b*; between *b* and *c* there were only a few scattered seals, while back of *c* there were no seals, though the ground showed that it had been covered recently, perhaps within the past three or four years.



4. Cross section at left end of Lukannon Rookery, July 19, 1892.

This is a sandy beach here, used only as a hauling ground by the bachelor seals. The space from *a* to *b* was pretty well covered, but back of *b* toward *c* there were no seals, though the ground was worn.



5. Plan of Lukannon Rookery, St. Paul Island.

The first (dotted) strip along the water front was occupied by seals July 19, 1892; the second strip had no seals upon it except a few near the right end (facing the water); all this space was at one time used as shown by the smooth-worn rocks scattered over the entire area, and the absence of vegetation over the lower part and the coating of *algae* towards the upper portion.

Still back of this is a strip of varying width where the rocks are evidently seal worn and the ground covered more or less completely by grass, differing, however, greatly in appearance from the grass found further back where the rocks are not seal worn at all.

At this time I am confident that not more than two-fifths of the space which has been used on this rookery is now in use. Making full allowance for the tendency of the pups and bachelors to wander more or less and thus occupy different spots at different times, I think it would be far within the limit to say that the area now occupied by the seals on this rookery is not more than three-fifths of what it has been in recent years.

The space now occupied is entirely free of vegetation; the ground is smooth and hard, and the rocks are all worn smooth. The area, which was apparently used last year, or the year before, but which is not used now, shows the smooth rocks and hard ground, but instead of being bare of vegetation is more or less completely covered with a thin coating or matting of algoid growth. The strip still further back, which evidently was at one time used, is now covered more or less with grass, but it is shorter than is the grass where seals have never hauled, and has a dead or burnt appearance.

At this left end of this rookery is a sandy beach where bachelor seals haul, but at the time of my first visit there were only a few seals there.

Lukannon rookery, July 20, a. m.

Visited this rookery again this morning. Compared with its condition yesterday, very little change was noticed. The families were somewhat less distinct and the bachelors at the left end had shifted their position somewhat.

Lukannon rookery, July 21, p. m.

Visited this rookery again this afternoon. The families are very much more broken up than they were two days ago. The majority of cows have gone out to sea to feed and the pups have collected more into pods or along the water's edge, where they spend much time playing in the water and learning to swim.

Lukannon rookery, July 23, a. m.

Spent the entire forenoon watching the seals at this rookery.

Compared with the conditions observed on July 21 a good many bachelors had pretty well filled up the space at the north end of the rookery and had extended further north along the shore. All this space is covered with large well-worn rocks lying from 1-12 to 6 feet apart. There is no grass on this, but southward and westward is a large area, averaging perhaps 200 feet wide, which is covered with seal-worn rocks in the same way, but has been unused for so long a time that it is now well grown over with grass. Near the north end of the breeding ground seals appeared much more numerous than on the 21st inst., due, no doubt, to the return of many cows that had been out at sea feeding.

The families are much more broken up to-day than on the 19th inst., a great many pups being seen with no cows near them. I counted five dead pups on this rookery.

Cows are coming and going all the time, the water near shore being well filled with seals, and the immediate water front being thickly covered with cows and pups, the latter venturing into shallow water a few feet, then returning to the rocks. Most of the bulls were lying quietly about, many apparently sleeping.

From $\frac{1}{2}$ to $\frac{3}{4}$ of the pups were crawling about, playing or trying the water; others were lying quietly around in pods of various sizes, while some were scattered about and more or less isolated.

A good many cows were lying some distance away from any families or were moving about the water front without being interfered with in any way by the bulls.

At one place I watched for some time 20 or 30 pups playing in the edge of the water. None ventured out more than four feet, while most of them seldom went beyond the very small pools among the rocks. I saw one pup swimming about 4 feet from the shore, when, what I took to be a cow, but what might have been a bachelor, jumped from a rock into the water immediately in front of the pup and drove it back to the rocks, following it up until it had crawled upon a rock. Whether this was merely accidental or was done intentionally by the cow (or bachelor) to prevent the pup from going too far out in the water I can not, of course, say.

A little later, at the same place, I saw what I took to be a cow pick up a pup, swim with it in her mouth out about 6 feet, then let it go. The pup struck out at once for the rocks, swimming fairly well. Then the cow came on the rocks and fondled the pup. It seems certain to me that this was her pup, and that she was teaching it to swim.

I notice to-day that the pups are able to crawl about upon quite high rocks almost as well as the old seals.

During my visits to the various rookeries on St. Paul Island, between July 18 and July 25, I saw but one pup born and that was on Lukannon rookery, July 23. Several others were seen in different places which had been born but a short time before (in some instances apparently but a few minutes). It is quite certain pups were being born now and then, but the opportunities for getting close enough for careful observation were not good except in rookeries situated like Lukannon.

Ketavie rookery, St. Paul Island, July 19, 1892, p. m.

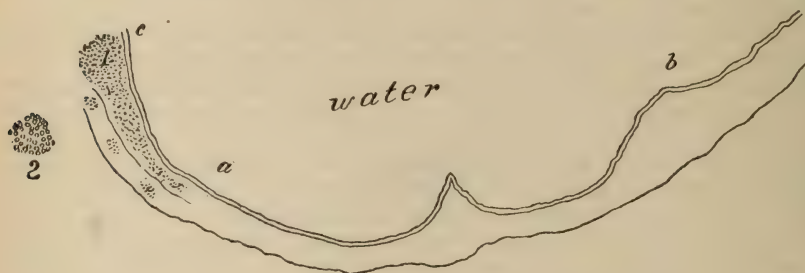
This rookery is to the right of Lukannon rookery and scarcely distinct from it. It is of the same general character as Lukannon, but the ascent from the water's edge to the grassy plain is more gradual. The cows were more numerous, proportionately, than in Lukannon and there were very few bachelors.

The same general appearance was presented here as on Lukannon—a strip immediately along the shore well covered, a second strip with rocks worn smooth; hard, smooth ground with no vegetation except the algoid coating, then a strip with smooth rocks, hard smooth ground, more or less with short, pale or bleached grass.

Ketavie rookery, July 20, a. m.

Visited this rookery again this morning for a short time.

To the right of this rookery is quite a distance of shore line, say 1,000 feet *a*, to *b*, which has been used as rookery and hauling ground by the seals, but upon which no seals are seen now, thus:



1. Thick breeding ground.

2. Bunch of bachelors.

To the left of *c* the bulls, cows and pups were quite thick in most places along the water front in a strip averaging perhaps 40 feet wide. Lying back of this is a broader strip, as much as 180 feet wide in some places, which has been used, but on which there are now no seals.

I think it a reasonable estimate to say that if all the bare area in this rookery were occupied as closely all over as it is in spots fully eight times as many seals could find room; and the grass-grown portion, being free of rocks, would furnish room for a great many more, so that it is pretty certain that there is room upon the Ketavie rookery for fifteen times as many seals as are there now.

The Ketavie rookery evidently contains a greater percentage of cows, as compared with the number of pups, than does the Lukannon rookery.

Standing at a point near the middle of this rookery and counting all the seals in plain sight, I counted fifteen bulls, 166 cows, and 325 pups. Six dead pups were seen here.

Reef Rookery, July 20, p. m.

Pups do not seem to be as numerous here as they are on Lukannon. There are more very large bulls and there are good-sized groups of bachelors here and there.

This rookery occupies both sides of a long rocky point or peninsula. The middle ridge is smooth, sandy, and sparsely covered with grass. Upon this ridge were perhaps 200 bachelor seals. Many quite large bulls were seen among the bachelors and there is no doubt in my mind but that the number of available bulls is considerably in excess of the number necessary to serve the cows.

The same indications of decrease in size were observed here as in the case of the other rookeries. The narrow strip immediately along the water-front was in most places thickly covered, though in some places the seals were less closely placed; there being such great variation in this respect as to make it quite difficult if not impossible to estimate with any degree of accuracy how many square feet should be allowed for each seal on the rookery. Back of this occupied strip was a strip where would be found an occasional family and occasionally a small bunch of bachelors, though the greater part was unoccupied. Over this area the rocks were all worn smooth and the ground was packed hard and devoid of vegetation of any kind. Still back of this the rocks were still seal worn, but the ground was covered either with the thin algaoid matting or with a sparse growth of short bleached grass.

Two dead seals, apparently young bulls, were seen at one place on this rookery.

It is very hard to estimate just how much this important rookery has decreased in size during the last few years, but it is certain there has been a very considerable decrease. This fact will be apparent to any one examining the rookery.

Reef Rookery, July 23, p. m.

This afternoon I paid another visit to the Reef Rookery.

The families or harems were less well-defined than on the former visit; the cows were apparently less numerous; many of them were moving about the water's edge, and many were absent at sea. The pups were gathered into pods or moving about in a restless sort of way. The bunches of bachelors had shifted position somewhat, and there were more upon the high ridge than before.

Tolstoi Rookery, July 21, a. m.

Most of the forenoon of July 21 was spent at this rookery, the stage of which appeared to be about the same as that of the Reef Rookery, and hardly as far advanced as was Lukannon on July 19. There were a good many cows whose pups had apparently not yet been born, though it is true that many of the families were broken up and the pups were wandering about near at hand or gathered in pods in several places. The space covered by seals here now is very much less than that formerly occupied and much less than shown as occupied in Mr. Elliott's plan on page 53 of his monograph.

Northeast Point Rookery, July 22.

Several hours in the middle of the day were spent examining this rookery.

The space now occupied at the southern part is but a small portion of what has been covered in recent years. Near Sea Lion Point I saw four dead sea-lion pups and 9 fur-seal pups, but did not discover the cause of their death. The shore from Sea Lion Point northward to where it bends to the west, a distance of about 4,000 feet, is much less thickly covered than formerly, and back of the occupied strip is a considerable strip showing unmistakable evidence of having been occupied in recent years, but now wholly without seals. Just west of the northeast point is a considerable stretch where there are no seals even along the water's edge, but Mr. Elliott's sketch shows seals to be very numerous at this place. Just west of this is a bunch of about 10 good-sized bulls that had no cows about them at all. These were not old superannuated bulls, but young vigorous ones, and undoubtedly well able to maintain harems were there a greater number of cows. This and numerous other similar sights convince me that there are even now a good many more bulls than are necessary to serve the cows.

Still to the left of this, on the sandy shore, is a very large bunch of bachelor seals, beyond which is a large well-filled breeding ground. The shore here makes out in a blunt point beyond which is a large breeding ground about $\frac{1}{3}$ mile long and soon widening out to about 200 feet in extreme width; this is very thickly covered with breeding seals. Back of this is another strip which I estimate to be fully $\frac{1}{4}$ mile long and 1,000 feet wide, upon which there were only about 150 bachelor seals, though the whole space is bare, the rocks are seal worn, and this area has evidently been in recent use. Back of this and westward is a rocky hill, worn smooth, on which there are no seals now. To the left of this rocky bench is another very large breeding ground which is now about $\frac{2}{5}$ filled. Back from this is a rocky bench of considerable extent, which was in use recently, but which has no seals on it now. Extending along to the left (southwest) are a few scattered families; then comes an immense breeding ground containing more seals than any other on the island. Back from this are a few groups of bachelors, one of which was very large. On beyond these the seals continued in a narrow strip for several rods along the shore.

The Northeast Point rookery shows the same evidence of decrease in seal life that is so marked a feature of all the other rookeries examined.

Mr. Elliott, in his census report, estimated the number of seals on the rookery in 1874 at 1,200,000. While the number is still great, I do not at all think it can even approximate that figure.

Little Polovina Rookery, July 22, p. m.

The shore here resembles that at Northeast Point, some rocky reaches and some sandy beach. At the north end I noted a few scattering families along the shore and a bunch of about 500 bachelors back from the shore some little distance, on an area of compact, reddish sand. South of these is a large space once used as a hauling ground (between which and the water is a large bunch of breeding seals), but upon which there are no seals.

Polavina Rookery, July 22, p. m.

This lies about a mile south from Little Polavina, but between the two are a few scattered families close along the water's edge.

This rookery has a long strip near the shore that presents the most compact appearance of any ground I have seen. The ground rises gently from the water's edge, is not very rocky, and continues over a very gentle bench to a very broad, comparatively level, tract further back that has in former years been used as breeding or hauling ground, or both.

I saw more dead pups here than I have seen on all other rookeries combined. The "lay of the land" here is such as to make it very easy for the pups to wander about a great deal—there is no abrupt wall or bluff to hem them in—as a consequence many of them stray off even far into the grassy mesa back of the rookery. Some of these become lost from their mothers and, of course, starve sooner or later.

I made an examination of this rookery as furnishing the best illustration of dead pups seen by me in 1892. I began at a point towards the eastern side of the rookery, beyond which no dead pups were to be seen, and retraced my steps for a distance of about one hundred and fifty feet, or to a point beyond which no dead pups were visible, and by actual count the number was 125. I believe that this represents at least one-half of all the dead pups on this rookery.



All the plain space enclosed by the line *ab* is worn smooth, but had no seals upon it at the time of my visit.

SAINT GEORGE ISLAND.

North Rookery, July 27, a. m.

This rookery lies just west of the village and extends about $\frac{1}{5}$ of a mile along the shore. The beach is in most places along here quite narrow and rocky, being limited landward by a rather high rocky bluff.

The end near the village had but few seals upon it, but further down was a large group of bachelor seals and just below these was a large breeding ground quite thickly covered. At this place the bluff is less abrupt and the seals were able to occupy considerable space on the mesa above the cliff. Not over $\frac{1}{3}$ of the area, however, which has been occupied is occupied now.

The families were nearly all broken up, and the pups are far more numerous than the cows and are gathered into large pods here and there.

The seals are thickest upon the west end of this rookery. Just beyond the extreme end of the breeding ground was a large bunch of bachelors, but they covered only a small portion of that hauling ground.

East Rookery, July 27, p. m.

This rookery occupies a narrow strip of rocky shore at the foot of a high rocky bluff, this strip being narrowest at the east end and widest on the low rocky flat between the pool and the shore at the west end.

A good many sea lions were scattered along this narrow strip. At the foot of this bluff towards the west end and near where the sea lions are thickest is quite a large area that has been used quite recently, but has no seals upon it now. Westward from this the space along the shore that was formerly used is not now more than $\frac{1}{10}$ filled up.

The pups on this rookery were very much more numerous than the cows; quite evidently the families are nearly all broken up and the rookery has passed the zenith of the season. A great many cows or bachelors were seen playing about in the water and many are evidently out at their feeding grounds.

Very few of the bulls were on the *qui vive*, as they were seen to be a week earlier on St. Paul, but most of them were lying down apparently sleeping.

Starry Arteel Rookery, July 28, p. m.

This rookery is a very compact one, situated chiefly upon the east slope of a high hill, the north end of which is cut square off by the sea. This hillside is comparatively free of loose rocks, and is grassy except where it is or has been covered by seals. Along the upper edge of the rookery the bulls are smaller, and there are fewer pups in proportion to the number of cows, and the families seem better defined than lower down where seals are more numerous.

Down towards the pool, at the east end of the rookery, was a small bunch of bachelors, and on the hillside to the left of these were two or three bunches of bachelors; but the number of seals upon this rookery at this time was certainly much fewer than what it has been within the past few years.

Zapadne rookery, July 29.

I spent the time from 9 a. m. to about 1:30 p. m. at this rookery, which somewhat resembles Starry Arteel, in that it is situated in great part upon a hillside; unlike Starry Arteel, however, it extends well up the hillside toward the top at the end toward the cliff and extends farther along the shore than does Starry Arteel. Comparing the present condition of this rookery with that shown in Mr. Elliott's report, it appears that the rookery has shifted more toward the hillside, as the seals do

not seem to extend so far toward the shallow creek. (See Elliott, p. 58.)

On the whole, I imagine that this rookery has not decreased much, if any, in size recently, but it has apparently shifted somewhat. Bulls, cows, and pups cover the steep hillside and along the shore, except, perhaps, 200 feet at the north end, where there is a large bunch of bachelors; at the crest of the hill was a band of some 150 bachelors.

The families here also have begun to lose their integrity, the bulls no longer watched their harems carefully, and the cows and pups wander about at will.

Little East rookery, July 29, p. m.

The west end of this rookery occupies a narrow strip at the base of a basalt cliff about 30 feet high. On this part I saw but one old bull, but counted at least 30 cows and 60 pups, about 45 of the latter were lying upon the flat surface of a very large detached mass of basalt about 10 feet high. To the right of this place the strip widens out to about 100 feet and the bluff becomes a gentle but rocky slope. This strip is 500 to 600 feet long and the part occupied by seals will average less than 50 feet wide. This is pretty thickly covered with cows and pups, except a narrow strip nearly 20 feet wide running along through the middle, upon which there were but few seals and these mostly pups. Bulls were rather scarce here, as shown by the fact that from the bluff at the west end I could count but 21. I do not think there were over 25 or 30 upon this rookery. At this rookery I have seen for the first time the bulls enter the water. The number of cows in sight from the same point was about 400, while the number of pups was very much greater, probably as many as 1,000.

I visited this rookery again on the afternoon of July 30, and made further observations.

The large basalt rock upon which I counted 45 pups yesterday has 70 pups and one cow upon it to-day. This is the position which yesterday showed but one bull, 30 cows, and 90 pups. This would show that the pups are wandering about a good deal, and that there were seen here a good many pups and probably several cows that did not belong to the one bull found here.

B. W. EVERMANN.

I certify that the document hereto annexed, which was transmitted to the Secretary of State on September 28, 1892, is a true copy of certain notes on the fur-seal rookeries of the Pribilof Islands on file in this bureau. Professor B. W. Evermann, who prepared the same, is an expert naturalist in the employ of the United States Fish Commission, and he accompanied the Fish Commission steamer *Albatross* in that capacity during her cruises in the year 1892.

MARSHALL McDONALD,

U. S. Commissioner of Fish and Fisheries.

WASHINGTON, D. C., December 16th, 1892.

EXTRACTS FROM VARIOUS PUBLICATIONS.

EXTRACT FROM THE REPORT OF CAPT. CHARLES BRYANT TO THE SECRETARY OF THE TREASURY.¹

FAIRHAVEN, MASS., *November 30, 1869.*

SIR: Having returned from Alaska, where I was ordered as special agent of the Treasury Department in September, 1863, to examine into the resources of the territory and the character and habits of its various tribes, I have the honor to submit the following report:

On account of the great diversity in the physical features of the territory, the widely varying nature of the products of the different sections, and the very marked difference in the character and habits of the various tribes, I have deemed it necessary to describe each portion of the country in detail in order that a proper idea of the whole territory may be gained; and, as my attention was more particularly called to the interests of the fur-seal trade in Behring Sea, I will begin with the islands of St. Paul and St. George. [Here follows a geographical description of the same.]

THE FUR-SEAL.

The seals resort to the Pribilof Islands, during the summer months, apparently for the sole purpose of reproducing their species. To this end each age or class contributes its share of labor or care, remaining on shore or in the water, as may be necessary. In order to fully understand the duties of the various classes, a description of the animal seems to be necessary at this point.

The male seal attains its full growth at the age of six years, when it measures from seven to eight feet in length and from six to seven in circumference. Its color is a dark brown with a gray over-hair on the neck and shoulders, and its weight is from six to twelve hundred pounds. These alone occupy the rookeries with the females.

A full-grown female measures from four to five feet in length and three feet in circumference and weighs from one to three hundred pounds. It differs in shape somewhat from the male in having a shorter neck and greater fullness of body in the posterior parts. Its color when it first leaves the water is a dark "steel-mixed" on the back and lighter about the breast and sides. After being on shore a few days its color gradually changes to a dark brown on the back and assumes an orange hue on the breast and throat, and is, therefore, easily distinguished from the male. The female attains its full size and brings forth young about the third or fourth year. The yearling seals weigh from forty to sixty pounds, and are of a dark-brown color, with a lighter shade about the throat. The intermediate ages from one to

¹ Senate Ex. Docs. Nos. 1 to 39, 1869-'70.

six are readily distinguished by their difference in size and form. The reproductive organs of the male are developed in the fourth year of its age, but it has not yet acquired sufficient strength to maintain its place in the breeding rookeries, which are occupied exclusively by the old males and females with their pups. These rookeries are located on the belt of loose rock between the high-water mark and the base of the cliffs, and vary in width from five to forty rods. The stretches of sand beach between the rookeries are occupied by the young seals as temporary resting-places or by the sick and wounded as neutral ground, on which they may remain undisturbed. The old males return each year to the same rock as long as they are able to maintain their position. It is vouched for by the natives that one seal came for seventeen successive seasons to the same point.

The male seals under six years of age are not allowed on the breeding rookeries and they are generally found in the water swimming along the shore during the day and at night on the uplands above the rookeries, where they rest scattered about like a flock of sheep. Where a long, continuous shore line is occupied by the rookeries narrow passages are left at convenient intervals, through which the young seals may pass unmolested to and from the uplands. At times a line of seals may be seen for hours passing in single file through these open spaces. If at any time, from sudden fright, they attempt to cross the rookeries at any other point a general engagement ensues, resulting in the killing and wounding of large numbers, and if the females with their pups are on the rookeries many of the latter are crushed by being trampled upon. Constant care is necessary, therefore, on the part of the officer in charge or of the native chiefs to prevent any unusual demonstration to alarm the rookeries.

The special duty of the old males, or wigs, as they are commonly called, is to receive the females on their arrival and to watch over and protect their young until large enough to be left to the care of their mothers and the younger males or bachelors, as the latter are termed.

From the first to the middle of April, when the snow has melted from the shore and the drift-ice from the north ceased running, a few old male seals make their appearance in the water around the islands and, after two or three days' reconnoissance, venture on shore and examine the rookeries, carefully smelling them. If everything is satisfactory thus far, after a day or two a few climb the slopes and lie with their heads erect, listening. At this time, if the wind blows in the direction of the rookeries, all fires are extinguished and all unnecessary noises suppressed. These scouts soon depart, and after a few days return with large numbers of the male seals of all ages. The rookeries are taken possession of by the old males, who drive the younger ones into the water or to the uplands inside the rookeries. In locating for the season, the old males each reserve about one square rod of ground for the convenience of their future families and that they may have sufficient room in which to execute their awkward movements in defending themselves against the attacks of their neighbors. Male seals continue to arrive daily for some time, the greater part of whom are old wigs, who fight their way to their old places or prepare to defend some newly selected ground against any former occupant that may claim it. They acknowledge no right save might, so that the quarrel is incessant day and night, and the continual growling sounds like the approach of a distant railroad train.

About the middle of June the males have all arrived and the ground is fully occupied by them. Soon after this the females begin to come

in small numbers at first, increasing as the season grows later, until the middle of July, when the rookeries are full and many of the reservations of the old males overcrowded with their respective families. When the females first arrive many of them appear desirous of returning to some particular male, and frequently climb the rocks overlooking the rookeries and utter a peculiar cry as if endeavoring to attract the attention of some acquaintance. Changing their place at intervals this cry is often repeated until some bachelor perceives her and she is driven to the rookeries and quickly appropriated. It seems to be the sole duty of the bachelors at this season to compel the females to take their places in the rookeries and often against their will. When the female reaches the shore the nearest male meets and coaxes her with a peculiar clucking noise until he gets between her and the water, when his tone changes and, with a growl, he drives her to a place in his family.

This continues until the lower row begins to get full, when those higher up from the shore, watching their opportunity when their neighbor is off his guard, rob his family to augment their own. This they do by taking the female in their mouths and carrying her to their own ground. Those still higher up pursue the same plan until all the space is occupied. Frequently a struggle ensues between two males for the same female, both seizing her at once and either pulling her asunder or terribly lacerating her. After the ground has been covered the old male devotes his time to keeping order in his family and driving away intruders. Within two or three days after their arrival the females give birth to one pup each, which is of a very dark brown color and weighs from six to twelve pounds. The mother manifests a strong attachment for her young and distinguishes its cry, which resembles the bleating of a lamb, among thousands. Soon after the birth of the pup the female receives the male on the rocks, but it is doubtful whether this connection is often perfect. She is subsequently allowed to go into the water, where she is followed by the young males, by whom the connection is repeated. Upon her return to the rookeries she is from this time allowed greater freedom and goes at will from one point to another.

By the middle of August the females have all brought forth their young, and the old males, who have constantly occupied their places for four months without food, resign their charge to the bachelors and go into the water for the apparent purpose of feeding. The assertion that the seals live so long without food seems so contrary to nature that I will state that I took special pains to examine daily a large extent of rookery and note it carefully. The rocks on the rookeries are worn smooth and washed by the surf, and any discharge of excrement could not fail to be seen. I found in a few instances a single discharge of excrementitious matter on the arrival of the seals, but nothing subsequently to indicate that any food is taken; nor do they leave the rocks at any time except when compelled by the heat to seek the water to cool themselves.

On their arrival in the spring they are very fat and round, but at the end of four months are thin and of little more than half their former weight. I also examined the stomachs of several hundred young seals, but was unable to find any traces of food in them.

The udder of the female is situated about half-way between the fore and hind flippers, and is furnished with four teats. The milk is of a yellowish white color, insipid to the taste, and is said to contain no sugar. The pups nurse but seldom, and when separated from the

mother for thirty-six hours seem in no haste to seek nourishment on her return.

About the middle of July the great body of the last year's pups arrive and occupy the slopes with the younger class of males, while the young females join the older ones on the breeding rookeries. The females go into the water to feed when the pups are some six weeks old, leaving them on the uplands; nor do the young seek the water until they are several months old, and even then seldom from choice, but are forced to learn to swim by the old males. About the last of October the seals begin to leave the island, the young and females going first, and the old males following them. By the first of December all have departed. In November the young seals stop to rest for a few days on the Aleutian Islands, where several hundred are annually killed by the natives.

MANNER OF KILLING.

While the young seals are resting on the slopes above the rookeries, as I have already described, a party of hunters, armed with clubs of hard wood, approach them and creep quietly between the rookeries and the shore, and at a given signal start forward at once and drive the animals inland in a body. When at a sufficient distance from the water, a halt is made, and as many of the undesirable seals selected out and sent back as possible. Only those of the ages of two and three years are considered prime skins. The remainder of the flock is then driven to the slaughter ground, which is sometimes several miles distant. It is necessary to drive them inland some distance in order that the smell of blood may not alarm the rookeries, and it is also a matter of convenience to have the seal carry his own skin to a point near the salt houses; but the driving must be conducted with the greatest care, as when the animal is overheated, the fur loosens and the skin is rendered worthless. On arriving at the killing ground, a few boys are stationed to prevent them from straggling, and they are left to rest and cool, after which a small number are separated from the flock, surrounded, and driven closely together, where they are confined by treading on each other's flippers. In this position the desirable animals are quickly killed by a light blow on the nose from the hunter's club, and all others are allowed to enter the water at the nearest point, whence they return to the spot from which they were driven; this is repeated until the whole flock has been disposed of. In the skinning, every man is expected to contribute his share of labor, as all receive a portion of the proceeds of the sale of the skins. As the seals are not considered as being wholly at rest for the season until the females arrive, great care is required in selecting the proper place from which to drive, early in the season, and this is exercised by the chief, or one of his subordinate officers, who has the whole direction of this part of the business.

In the month of May, only such small numbers as are required for eating are driven; in June they become more numerous, and are then driven for their skins, although the percentage of prime skins in any flock is very small. About the middle of July the females go from the rookeries into the water, and there is a season of general unrest among all classes of seals, during which, for a period of about ten or fifteen days none are killed.

About this time the yearling seals arrive, and these, together with a portion of the females, mix with the young males, greatly increasing the difficulty in distinguishing the proper animal for killing, and it is necessary for the chief, or his deputy in charge, to designate each sea

to be slaughtered; only the strong interest which the natives feel in their preservation can insure the proper care in the selection. September and October are considered the best months for capturing the seal. In addition to the skin, each seal yields about one and one-half gallons of oil, and the lining membrane of the throat and portions of the intestines, which latter are indispensable to the Aleutians at all points, being used in the manufacture of water-proof clothing, without which they could not venture at sea in their skin boats.

It will be seen from the foregoing description of the habits of the seal that their preservation and increase are very simple matters, the only requirements being that the animals shall not be unnecessarily disturbed at any time, and that for killing, the males only shall be selected; and I will add that the increase is more rapid when a portion of the males are killed each year, since by the constant fighting of this sex when in excess many of the young are trampled upon and destroyed.

MANNER OF CURING THE SKINS.

The skins, on being taken to the salt houses are packed in square bins or *kenches*, with the flesh side up, on which a quantity of salt is scattered. Here they are allowed to remain one or two months, when they are removed and folded with a quantity of clean salt, and firmly rolled and tied for shipment, only requiring a small additional quantity of salt on being removed from the islands.

NUMBER OF SEALS.

There are on St. Paul Island at least twelve miles of shore line, occupied by the breeding rookeries, not less than fifteen rods wide, with an average of twenty seals to the square rod. This gives the whole number of breeding males and females at 1,152,000; deducting from this number one-tenth for males, and we have remaining 1,036,800 breeding females, which number may, with care in killing, be largely increased from year to year, until the islands shall ultimately be fully occupied by them.

The number of breeding animals on St. George is estimated at nearly one-half as many as occupy St. Paul. In addition to those on breeding rookeries, we have the large number of young seals, scattered about at various points, and swelling the total number of animals on the two islands to not less than three or four millions.

I will remark here that the peculiar humid atmosphere and unvarying summer temperature, induced by the meeting of the warm ocean currents from the south and the colder ones from the north, seem to render these islands the favorite resort of the seals in preference to those of the Aleutian group.

It is the opinion of native chiefs and of the late officers of the Russian-American Company who have been stationed on the seal islands that 100,000 skins may at the present time be taken from both islands without diminishing the annual production.

* * * * *

I have the honor to be, very respectfully, your obedient servant,
CHARLES BRYANT,

Special Agent, Treasury Department.

Hon. GEO. S. BOUTWELL,

Secretary of the Treasury, Washington, D. C.

EXTRACT FROM TESTIMONY OF CHARLES BRYANT, TREASURY AGENT, BEFORE A CONGRESSIONAL COMMITTEE, MARCH 20, 1876.¹

Q. Do you observe whether there has been any diminution or increase of the number of seals on these islands during the time this company had charge?—A. There has been a steady increase in the number of female seals breeding on the islands, equivalent to five per cent, as near as can be determined, annually. The principle upon which they are killed is to take only such surplus males, they being polygamous in their habits, as are not required for breeding purposes.

Q. Your opinion, then, is that the number of 100,000 [seals] on the two islands, authorized by law, can be regularly taken without diminishing the crop or number of seals coming to the island?—A. I don't feel quite sure of that, as will be seen in my detailed report to the Secretary of the Treasury, included in the evidence which has been laid before the committee. There were indications of diminution in the number of male seals.

I gave that and another reason, which I explained at large in that report. In the season of 1868, before the prohibitory law was passed and enforced, numerous parties sealed on the islands at will, and took about 240,000 or 250,000 seals. They killed mostly all the product of 1866-'67.

In making our calculation for breeding seals we did not take that loss into consideration, so that in 1872-'73, when the crop of 1866-'67 would have matured, we were a little short. These seals had been killed. For that reason, to render the matter doubly sure, I recommended in my report to the Secretary a diminution of 15,000 seals for the two years ensuing.

I do not, however, wish to be understood as saying that the seals are at all decreasing—that the proportionate number of male seals of the proper age to take is decreasing.

Q. The females are increasing?—A. Yes, sir; and consequently the number of pups produced annually.

Q. It looks, then, as if the males ought also to increase?—A. I think that number of 100,000 was a little more than ought to have been begun with. I think if we had begun at 85,000 there would have been no necessity for diminishing. On the other hand, I think that within two years from now it could be increased.

EXTRACT FROM THE REPORT OF LIEUTENANT WASHBURN MAYNARD TO THE SECRETARY OF THE TREASURY, DATED NOVEMBER 30, 1874.²

The great work of the season, the taking and curing of seal-skins, begins the first week in June, and is pushed forward as rapidly as possible, as the skins are in the best condition early in the season. This year 90,000 skins were taken on Saint Pauls by eighty-four men in thirty-nine days. The natives do all the work of driving, killing, and skinning the seals and of curing and bundling the skins, under the direction of the company's agents and of their own chiefs. The first opera-

¹ House of Representatives, Forty-fourth Congress, first session, Report No. 623, p. 99.

² House Ex. Doc. No. 43, Forty-fourth Congress, first session, pp. 8-10.

tion is that of driving the seals from the hauling to the killing grounds. The latter are near the salt-houses, which are built at points most convenient for shipping skins, and all the killing is done upon them, in order not to disturb the other seals, and to save the labor of carrying the skins. The seals suitable for killing (which are the young males from two to six years old) are readily collected into droves upon the hunting grounds by getting between them and the water, and are driven as easily as a flock of sheep. They move in clumsy gallop, their bellies being raised entirely from the ground, upon their flippers, which gives them, when in motion, the appearance of bears. They are sometimes called "sea bears" on account of this resemblance. In driving them care is taken not to hurry them, for, if driven too fast, they crowd together and injure the skins by biting each other, and also become overheated and exhausted. They are driven from one-half mile to five miles in from three to thirty-six hours, according to the location of the hauling grounds. After reaching the killing grounds they are allowed to rest and cool for several hours, particularly if the drive has been a long one. The drives vary in number from five hundred to as many thousand, as there happen to be few or many seals upon the hauling ground where the drive is made. In each drive there are some seals that are either so large or so small that their skins are not desirable, and sometimes a few females are driven up; not often, however, as they seldom stray from the rookeries. All such are singled out and permitted to escape to the water.

The killing is done with a blow on the head by a stout club, which crushes the skull, after which the skins are taken off and carried into the salt-houses. During the first half of the month of June from five to eight per cent of the seals in the drive are turned away, being either too small or too large, and from ten to twelve per cent during the latter half. In July the percentage is still greater, being about forty per cent for the first and from sixty to seventy-five per cent for the latter half. About one-half the seals killed are about three years old, one-fourth four, and the remainder two, five, and six. No yearlings have been killed up to the present time, though allowed by the lease, as their skins are too small to be salable in the present state of the trade, but by some trade [*sic*] in it they may become desirable in the future and would then be taken, This would injure the fisheries, because the yearlings of both sexes haul together, and it would be almost impossible to separate them so as to kill only the males. There has been a waste in taking the skins, due partly to the inexperience of the company's agent, and partly to accident and the carelessness of the natives. In making the drive, particularly if they are long on, [*sic*] and the sun happens to pierce through the fog, some of the seals become exhausted and die at such a distance from the salt-houses that their skins cannot well be carried to them by hand, and are therefore left upon the bodies. This was remedied during the last killing season by having a horse and cart to follow the drive and collect such skins. Some skins have also been lost by killing more seals at a time than the force of men employed could take care of properly. Good judgment and constant care are required in taking the skins, as fifteen minutes' exposure to the sun will spoil them by loosening the fur.

Another source of waste is by cutting the skins in taking them off in such a manner as to ruin them. It was very difficult at first to induce the natives to use their knives carefully, and several hundred skins were lost in a season by careless skinning; but by refusing to accept and pay for badly cut skins the number has been greatly reduced,

so that the loss this year on St. Pauls was but one hundred and thirty from all causes. The salt-houses are arranged with large bins, called kenches, made of thick planks, into which the skins are put, furside down, with a layer of salt between each layer of skins. They become sufficiently cured in from five to seven days, and are then taken from the kenches and piled up in books, with a little fresh salt. Finally they are prepared for shipment by rolling them into compact bundles, two skins in each, which are secured with stout lashings. The largest of these bundles weigh sixty-four pounds, but their average weight is but twenty-two. The smallest skins, those taken from seals two years old, weigh about seven pounds each; and the largest, from seals six years old, about thirty.

The skins are counted four times at the island, as follows: By the company's agent and the native chiefs when they are put into the salt-houses, the latter given in their accounts, after each day's killing, to the Government agent; again when they are bundled by the natives, who do the work, as each is paid for his labor by the bundle; by the Government's agents when they are taken from the salt-houses for shipment; and the fourth time by the first officer of the company's steamer, as they are delivered on board. An official certificate of the number of skins shipped is made out and signed by the Government agents in triplicate, one copy being sent to the Treasury Department, one to the collector at San Francisco, the third given to the master of the vessel in which they are shipped. The amount of the tax or duty paid by the company to the Government is determined by the result of a final counting at the custom-house in San Francisco. The books of the company show that it has paid into the Treasury since the date of the lease \$170,480.45 on account of the rental of the islands, and \$1,057,709.74 tax on seal-skins, which sums also appear in those of the Treasury Department. The latter sum is less by \$16,458.63 than the tax that should have been paid had one hundred thousand skins been taken each year since 1870, or, in other words, 6,269 fewer skins have been shipped than the lease permitted. The record kept at the islands, by both the Government's and company's agents, shows that in 1871 but 19,077 skins were on St. Georges instead of 25,000, the number allowed, and that nearly every year since the number shipped has fallen a little short of 100,000.

**EXTRACT FROM THE REPORT OF J. S. MOORE TO THE SECRETARY
OF THE TREASURY, 1875.¹**

First in order is to report my investigation as to the number of fur-seals killed on the two islands of Saint Paul and Saint George. I have compared the custom-house entries and the certificates of tax paid with the shipping books of the Alaska Commercial Company. These I found differed during a term of five active tax-paying years, and in number of 404,638 skins by exactly 1,427 skins.

This discrepancy, however, as will be seen in the appended statement taken from the company's books, is reduced by the actual account of sales of Messrs. Lampson & Co., in London, to a discrepancy of 559 skins only, and this latter I have no doubt is correct. The significance I attach to this small discrepancy is rather favorable than otherwise, as the very difficulty of a correct count by ignorant packers, who salt, prepare, and pack the skins in casks for shipment, easily warrants a differ-

¹House Ex. Doc., No. 83, Forty-fourth Congress, first session, p. 193.

ence in the numbers, and I should have felt more suspicious had there been not a single discrepancy in five years and in a number of 403,761 skins. The next test was to compare the Alaska commercial shipping account with the return of account of sales from Messrs Lampson & Co., in London. As the company very readily placed their books and correspondence at my disposal, I availed myself of the privilege, and with their full consent transcribed from their books an account of sales—the whole transaction of fur-seals taken, shipped, and sold—which I herewith append:

Statement of fur-seal skins from St. Paul and St. George Islands.

Tax paid.		Shipment to London as per our account.			Lampson's account sales from London.		
Date of entry in our books.	Skins.	Date of entry.	Casks.	Skins.	Date of account rendered.	Casks.	Skins.
June 12, 1871	3, 448	June 13, 1871	69	3, 450	Dec. 14, 1871	69	3, 474
Sept. 5, 1871	60, 665	Sept. 6, 1871	1, 232	61, 161	.....	711	33, 968
May 28, 1872	39, 276	May 29, 1872	681	40, 155	Feb. 15, 1872	521	27, 099
Oct. 16, 1872	61, 313	Oct. 5, 1872	1, 026	61, 318	Aug. 22, 1872	681	40, 058
.....	34, 756	Oct. 17, 1872	524	34, 781	Jan. 12, 1873	939	56, 227
Aug. 5, 1873	3, 906	Aug. 12, 1873	828	41, 282	May 6, 1873	611	39, 813
.....	37, 262	Sept. 8, 1873	1, 020	57, 213	Jan. 8, 1874	1, 226	63, 511
Aug. 14, 1873	57, 390	Oct. 18, 1873	72	4, 559	April 2, 1874	705	40, 213
Oct. 14, 1873	5, 092	Nov. 17, 1873	11	701	Oct. 1, 1874	4	254
June 11, 1874	256	July 8, 1874	4	256	Dec. 17, 1874	1, 112	59, 809
Aug. 27, 1874	45, 086	Sept. 11, 1874	1, 844	99, 759	Apr. 3, 1875	732	39, 341
Sept. 7, 1874	54, 858	.....	.....	.....	.....	.....	.....
403, 208		7, 311		404, 635	3, 311		403, 767

The first column headed "Skins," represents the number of fur-seals on which the tax was paid. The second column headed "Skins," represents the number shipped by the company to London. The third column headed "Skins," represents the number of skins Messrs. Lampson & Co., of London, actually received and rendered account of sales for.

I am perfectly satisfied that these figures are correct, unless not only the company, but the customs officers on the islands, the officers of the ships that bring the skins, the custom officials in San Francisco, and the great house of Messrs. Lampson & Company in London, are one and all in collusion and conspiracy to defraud the Treasury of the United States. There would, besides, be another difficulty to overcome, as it would be necessary to keep false books and false entries, while in fact nothing is so easily detected as false bookkeeping.

We may therefore take it for granted that the true number of skins taken from the islands of Saint Paul and Saint George is correctly given in the last column of the foregoing statement, which is the receipt and return of account of sales of Lampson & Company.

I have, besides all these proofs, a copy of letter and specifications from the company's shipping books to Messrs. Lampson & Company, which, being very voluminous, will be found in Appendix B, the details of which, agreeing perfectly with the stipulated numbers, may be taken as very satisfactory proof of the correctness of the books and accounts of the company.

It is now necessary to state that the lease having been signed and delivered August 3, 1870, and that year, counting for one full year in the lease, the company would have been entitled to 500,000 skins from

1870 to 1874, inclusive, while the actual seal-skins taken on which tax was paid was 403,208.

I find, however, that the number of skins sold by Messrs. Lampson & Company on account of the Alaska Commercial Company was 403,767, which, as stated, is a discrepancy of 559 skins on which no tax was paid.

It would, therefore, seem evident that a tax of \$2.62½ per skin, or a total of \$1,467.37, is due to the Treasury by the Alaska Commercial Company. With the adjustment of these 559 skins from which a tax is due to the Treasury,¹ that portion of my instructions which requires me to ascertain the correctness of taxes paid on skins taken from the islands during 1870-'74, inclusive, will no doubt prove as satisfactory to the Department as it is to me to be able to record it.

EXTRACT FROM THE FISHERIES AND FISHERY INDUSTRIES OF THE UNITED STATES.²

THE FUR-SEAL INDUSTRY OF CAPE FLATTERY AND VICINITY.

JAMES G. SWAN.

1. *History, present condition, and methods of the industry.*

The northern fur-seals (*Callorhinus ursinus* Gray), in their annual migration north, approach the coast between Point Grenville, Washington Territory, and the western shores of Vancouver Island, British Columbia, in vast herds, and are taken by the Indians of Cape Flattery and the natives of Vancouver Island on the ocean off the coast, and occasionally in the Strait of Fuca as far inland as the Dungeness Light.

The great body of these seals keep well out to sea, and during the present year (1880) have been reported by vessels bound in from China and the Sandwich Islands as having been seen from 100 to 300 miles off shore, covering the sea as far as the eye could reach, and looking like vast beds of kelp in the distance.

Meteorological causes seem to effect this vast collection, sometimes causing it to keep off from the shore at a great distance, with only a few scattering ones coming near enough to fall victims to the Indian's spear. At other times, and notably the present season, the great herd sways inward toward the land, following the same general movement as may be observed in a school of herring, the center of the school or herd being invariably the most numerous.

During the voyage of Captain Meares in 1788-'89, as well as those of Portlock, Dixon, Manhand, and other early voyagers, but little mention is made of seals, as they were then of such small value that in the list of furs and skins which the captains were directed to procure no mention is made of them, the sea-otter then being the most plentiful, as it was and is at this time the most costly and beautiful of all the furs.

Black fox-skins were very valuable, as also sable, black beaver, and black marten; but river otter and seals were classed with inferior furs, which the captains were directed to purchase or not as they judged best, but to confine their work to the sea-otter.

From all the accounts given in the records of those early voyages, as well as from the traditions of the Indians, it seems that a hundred years

¹ This tax was duly paid. See Report No. 623, 44th Congress, p. 68.

² Sec. V, Vol. II, p. 393.

ago the sea-otter were as numerous in this vicinity and as readily taken by the Indians as the fur-seal is at the present time. Sea-otters are but rarely taken now and seem to have abandoned their ancient haunts on the American coast and to have migrated in a body to the northeastern shores of Asia and the islands off the Siberian coast and Japan, where they abound. Their places on the American shores are now taken by the fur-seal, which of late years seem to be steadily on the increase.

From 1857, the date of the first white settlement at Neah Bay, to 1866, but few seals were taken. They were in those years very scarce, and it is only since 1866 that they have been known to resort to the vicinity of Fuca Strait in such large numbers.

The majority of the seals killed by the Makahs, or Cape Flattery Indians, at the commencement of the season are females and yearling pups; the older males appear to keep well out to sea and are seldom taken near the shore until toward the close of the season.

The female seals killed by the Indians invariably have fœtuses in them in various stages of development, according to the month when taken.¹

I procured of an Indian two fœtal seal pups on the 20th of May last, which I selected from a lot the Indian was skinning; they were far enough advanced to be skinned, although their pelts were worthless for trade. These two specimens I gave to Professor Jordan, who has them among the collection he made at Neah Bay.

The time the fur-seals make their appearance in the vicinity of Cape Flattery varies; generally they do not appear before the 1st of March, but this season the first were taken on the 18th day of January in Fuca Strait near Waadda Island, at the entrance to Neah Bay. The Indians killed on that day forty-five. This is as early as I have any recollection of, although the old Indians tell me they have known them to make their appearance, but rarely, as early as the last of December. I think their appearance for an average period of ten years past would be about the 1st of March. They remain some seasons as late as July and August, but in 1880 the last catch was made about the 20th of June.

Until within a few years past the Indians have gone to sea boldly in their canoes, starting out by daybreak and returning at night. Three men usually go in a canoe at such times. Latterly they have put their canoes on board the sealing schooners which take them to the sealing grounds and lay by while the Indians went off in them and speared the seals. The canoes taken on board the schooner have but two Indians in each.

* * * * *

The Indians here never use fire-arms to kill seals. They say the report would scare them away, and they strongly object to white men using rifles on the sealing grounds.

* * * * *

Of the catch on the American side, that portion taken by Indians who went on the schooners, 4,710 skins, one-third were given by the Indians to the vessels to pay for transporting them and their canoes to the sealing ground, amounting to 1,570 skins. The remainder 3,140,

¹Mr. Swan thinks it possible that the seals bring forth their young in the ocean, and says that many of the sealers agree with that opinion. Mr. H. W. Elliott, however, feels certain that it would be impossible for the newborn seals to live in the ocean, and thinks that no seals at Cape Flattery are so far advanced in pregnancy as to be unable to reach the Pribilof Islands before the pups are born.—A. Howard Clark

added to the amount sold by the Indians to traders, independent of the schooners, 1,558 skins, makes a total of 4,698 skins, for which they received from the traders, in cash and trade, an average of \$9 per skin, equal to \$42,282. This sum divided among two hundred and thirty-two Indians, the whole number who were engaged in sealing during the season, gives a little over \$182 to each Indian for his six months' work.

The total value of the fur-seal catch of 6,268 skins reported at Neah Bay, as taken by the Indians of the Makah Reservation, at \$9 each, is \$56,412.

This shows the value and importance of one of the interests of Washington Territory of which hitherto but little has been known, it being evidently for the pecuniary advantage of the very few persons who have engaged in it to keep the public in the dark as much as possible regarding its extent and value. This season, however, has shown an increase of the vessels employed, and it is more than probable that the number will be increased another season. The unprecedented number of seals which made their appearance, a number which seems to have steadily increased each season since 1866, will give employment to a larger fleet of vessels another year. One of the captains remarked to me, "If a hundred schooners could have obtained crews of Indians, there were more than enough seals to have satisfied them all."

**EXTRACT FROM THE TESTIMONY GIVEN BY JAMES G. SWAN
BEFORE A COMMITTEE OF THE UNITED STATES SENATE.¹**

By Senator ALLISON:

Q. I want to get at your general idea of the treatment of seals and the fisheries as a whole question. You think there is an exhaustless supply of fish here, and that the number of seals is not diminished, and yet the seals feed on the fish?—A. So far as the salmon go, they have diminished them, no doubt about that at the Columbia River; they have been very destructive this year. They have destroyed the nets, and not only seals have done that, but sea-lions and all animals that make fish their food.

Q. You think they ought to be killed before they reach the mouth of the Columbia?—A. I think they ought to be killed off the coast of California.

By Senator DOLPH:

Q. Do you think that they would have made much of an impression upon the salmon at the mouth of the Columbia if it had not been for the fishermen and their nets, and traps, and pounds?—A. I don't know that they would; but at the same time I don't see why they should be preserved, unless it is the fashion.

Q. If a seal is shot with a rifle, wounded and not killed, what does it do?—A. I suppose it goes off.

Q. Does it dive or sink?—A. I think it dives.

Q. Then we must charge to the wanton destruction of seals all that are shot in the water and not killed at the first shot; they escape capture, do they not?—A. Yes, sir.

Q. Have you any idea about the proportion that would be wounded

¹ Senate Report, No. 1530, part I, Fifty-first Congress, first session, pp. 288 to 290.

and not killed by shooting from fishing vessels?—A. No; I have no statistics to refer to.

Q. At what age is the seal's skin valuable?—A. Two years.

Q. Are there one year old seals in these schools?—A. Yes, sir.

Q. Are they ever shot?—A. Yes, sir.

Q. Is that a loss—all those that are killed at one year's age?—A. Those that are killed are a loss, of course.

Q. And those that are wounded at one year of age?—A. Yes, sir.

Q. When a female with pup is killed there is a loss of life not only of the female herself, but of the pup also?—A. That is true.

Q. There are two losses?—A. Yes, sir.

Q. So that this method of shooting seals at sea must necessarily be very destructive, and a great many more seals must be destroyed than are taken?—A. Yes, sir.

Q. So that the economical way would be to take them at the rookeries, where they could be selected and killed?—A. It would be economical if it could be shown that it was for any particular benefit to the public.

Q. Leaving that question aside, if it were true, as claimed by Mr. Elliott and some others, that these seals that come up our coast are bound for the rookeries, which are situated on these small islands; that they are easily destroyed when approaching the islands, so that the seals might become so scarce that the rookeries would be valueless in a few years if it was open to all to take and shoot at pleasure, would or would it not be better to prevent the killing of seals, or to allow them to be destroyed by indiscriminate killing at sea, and the waste of seal life by the methods which are used to capture them?—A. They might establish regulations by which they would be preserved in going through Ounimak Pass.

Q. Are those points frequented by sailors?—A. They are, according to Mr. Elliott's statement.

Q. You do not speak from personal experience?—A. No.

By the CHAIRMAN:

Q. Is it your opinion that it would be for the public interest to have all seal life destroyed?—A. I don't know; I don't think that such a thing could be done.

Q. I wish to know whether you think it should be done?—A. No; I do not think so.

Q. Captain Jacobs seems to think that the seal is so destructive of food-fish, and the seal-skin being only a luxury, that it would be better to have all the seals exterminated?—A. I think if they were all lost the world would not be any the worse for it, any more than if all the ostriches were killed, the world would be no worse off, except in that case the ladies would not get any plumes for their hats, and in the former case they would not get any coats.

The CHAIRMAN. That system would have to be extended a long way before the world would get rid of luxuries. Every man would not draw the line at the same point.

Senator HALE. We could get along without salmon, probably?

The WITNESS. And without beef.

By Senator PUGH:

Q. You do not think it is of any importance to prevent the destruction of seals?—A. I do, on the islands, but not on the outside, because the proportion of seals that are destroyed is a very small fraction of

what the whole number is. There are millions of seals in the Pacific Ocean. You have no conception of the vast myriads of them.

Q. Then why is it of any importance to preserve the breeding islands?—A. Because it is to furnish these seal-skins for fashion; that is actually all there is about it, gentlemen, so the ladies can have nice seal-skin coats; but I don't see that the poor man gets anything cheaper by it.

Q. The skin constitutes the sole value of the seal?—A. Yes, sir; that is all; it is not an article of food.

EXTRACT FROM "LIST OF REPORTED DANGERS IN THE NORTH PACIFIC OCEAN,"¹ COMPILED AND ARRANGED BY THE U. S. HYDROGRAPHIC OFFICE, WASHINGTON, D. C., 1871.

No.	Name of danger.	Reported position.		Authority.
		Latitude.	Longitude.	
50	Island	40 00 00 N.	150 40 00 W ..	Capt. Kentzell, of San Francisco. Bark <i>Washington</i> . Older reports. (San Francisco Herald, May 30, 1867; Alta Californian, July 24, 1867; Ann. Hydr., 1867, pp., 425 and 593.)
		40 30 00 N.	151 00 00 W ..	
		40 10 00 N.	150 30 00 W ..	

The U. S. N. P. Surv. Exp., when at San Francisco in 1856, found reports in circulation of the existence of an island, or a group of islands, in that part of the Pacific Ocean, to which the positions in the opposite column refer. It was said that a rookery of seals existed there, and the place was kept secret in order to secure the exclusive exhaustion of it to certain parties. Subsequently Captain Kentzell, a San Francisco pilot, asserted to have seen the island in the position which he gave from actual observation, describing it to be about 20 miles long and very low; and the master of the bark *Washington*, reported in 1867, as follows: "On my passage from the Sandwich Islands to the north-west coast of the United States, when in latitude 40° 00' N., in a dense fog, I perceived the sea to be discolored. Soundings at first gave great depths, but diminished gradually to 9 fathoms, when through the mist an island was seen, along which I sailed 40 miles. It was covered with birds, and the sea swarmed with seal and sea elephants." The flagship of the U. S. N. P. Surv. Exp., on her way home, searched for this island, and sounded close to the position in which subsequently Captain Kentzell placed it; bottom was thought to have been reached at 2,600 fathoms, but no indication of land was perceived in the vicinity.

In 1858 H. B. M.'s ship *Trincomale* searched for fourteen days between the parallels of 39° 30' and 40° 30' N. and the meridians of 148° 30' and 152° 00' W. without finding anything. The mail steamer *Colorado* also has passed repeatedly near this region, looking out for the reported land without success.

In 1860 the Japanese sloop of war *Candiu-manuh* came over from Japan to San Francisco, guided by Lieutenant John M. Brooks, U. S. N., who had taken passage in her. The following extract from her log, kept by that officer, refers to this mysterious part of the ocean:

"March 8, 1860, noon. Latitude 41° 19' 29" N.; longitude 146° 29' W. Fresh breezes from N. and W., with frequent squalls, heavy sea,

color very much as on soundings. At 4 hrs., 30 m. had just computed longitude when Captain Tomogoroh and others rushed in my room in great excitement, reporting land in sight. I ran on deck, and one of my men, an American sailor, coming down from aloft, said *he saw low land and breakers ahead*, extending three points on the star-board bow; also on the weather bow. I therefore wore ship, and stooped on by the wind S. by W. I then went aloft with another of my men, who said that he could see low land and breakers on the lee; but I could not, although using an opera glass. The sea appeared rather white on the horizon; there were also some birds; the passing cloudy snow squalls, however, prevented seeing anything distinctly. After standing $2\frac{1}{2}$ miles S. by W. wore again and steered the old course, E. by N., which, if there had been a reef, would have brought us close to it. The sky became clearer in that direction, but nothing was to be seen like breakers or land; all admitted that if it were there we would have seen it. I supposed, when land was reported, it might be the island 'Hiawatha,' which Commodore Rogers had looked for, and was in hopes that we had made a discovery. I presume it was a snow squall; the clouds (cumuli) were very heavy and low down. From the noon position we had ran 17 miles on an E. by N. course when land was reported."

In June, 1867, finally, the schooner *Caroline Mills*, Captain Turner, was sent out expressly by San Francisco merchants to search for the reported land. On the 17th she was in a position 24 miles distant from its supposed NW. extremity, with a light breeze and a clear atmosphere, but there were no indications of land. On continuing she was at midnight within half a mile of that point. Approaching it the sea became discolored, resembling a bank, which appearance had already been observed when 5 or 6 miles northwest of the supposed island and continued for 200 miles to the eastward, extending 10 degrees of longitude up to $136^{\circ} 00'$. On sounding at noon on the 17th bottom was not obtained with 100-fathoms line; at 10 hrs. p. m., within 4 or 5 miles of the supposed land, no bottom at 55 fathoms; on the 18th at 4 hrs. a. m. no bottom at 90 fathoms, and at 4 hrs. p. m. no bottom at 100 fathoms. The course on that day was SW. up to 16 miles from the reported position of the supposed island, when the sea became blue again; then an eastern course was steered for, land appearing to be at a great distance. It was continued for 75 miles on the reported parallel, but nothing was seen. Everywhere sea birds (sand pipers) and numerous seal were found.

From all this it would appear that the reports of the existence of land in this part of the Pacific Ocean are unreliable, and the "discolored water" may also have been a delusion.

EXTRACT FROM A PAPER PREPARED BY WILLIAM PALMER.¹

FATE OF THE FUR-SEAL IN AMERICA.

[Read before the Biological Society of Washington, D. C., October 17, 1891 and illustrated by lantern slides.]

The present condition of the Alaskan fur-seal islands is but another illustration of the fact that the ignorance, avarice, and stupidity of man have succeeded in reducing an overwhelming abundance of animal life

¹ As published in *Forest and Stream* for October 29, 1891.

that, by careful and considerate treatment, would forever have been a source of immense wealth, to such a condition that it becomes a question of great moment to devise means to prevent its extermination and adopt measures to restore its former abundance.

In 1867 the United States purchased of Russia for \$7,200,000 all of the territory known as Russian America and now as Alaska. At the time it was expected that it would prove a paying investment. Great tales were told of the fabulous wealth that was there in the shape of lumber, coal, precious metals, etc., and but little stress was laid upon the fact that fur-seals were found in abundance upon two small islands, but nowhere else in North America. Now, after the experience of over twenty years, what is the result? Alaska itself pays almost nothing into the National Treasury; in fact, it takes over \$200,000 yearly to support its management, while the two little islands of St. Paul and St. George, with a direct yearly expenditure of less than \$20,000, have almost returned to the National Treasury the large sum paid for the whole of Alaska. The net income from the seal islands for the past twenty years has been in round numbers \$6,000,000. The net income for the next twenty years, based on the bids of the new company holding the lease, would be over \$20,000,000, but the actual amount will be less than a million unless stringent measures are taken to prevent a further decrease of seal life and to provide for better methods of management.

It will be seen by this that the preservation of seal life on the Pribylov Islands is really deserving of the utmost consideration and that a proper enforcement of the best means and measures is demanded even from a purely business point of view.

Rainy, foggy, and cold, nasty weather is the rule on the islands, and to this fact is greatly due the residence and abundance of seal life during the summer. Wherever a rocky slope extends into the sea there the seals haul out and form a colony. On St. Paul's there are nine of these places, the smallest having a sea margin of 750 feet, while the largest, that at Northeast Point, is 15,850 feet in length. On St. George's there are five, with an average sea margin of only 700 feet. The average width is 100 feet. The seals on the island are divided by name into four groups or divisions, which are well known to everybody there. The male seals of seven or eight years old and upward are known as bulls, and are the only males large and strong enough to maintain a position on the breeding grounds. The female seals are known as cows, while the young seal of the year is called a pup. The male seals one year old and upward are called "holluschickie," or bachelor seals, and it is from the ranks of these that the killable seals are taken. The breeding grounds are known as rookeries. In 1874 Mr. Henry W. Elliott, as the result of two seasons' work, estimated that there were on the rookeries 3,193,000 breeding seals and young. Last year, as a result of another survey of the rookeries on the same basis, it was found that less than 1,000,000 breeding seals and young were left.

About the end of April there appear about the islands a few old bull seals. These gradually increase in numbers until by June 1 all have arrived and occupied positions on the rookeries. This is only done as the result of continual fighting and bellowing, which is kept up incessantly. About June 10 the cows arrive and by the middle of July they have all landed on the rookeries.

Soon after the cow lands, sometimes the same day, she gives birth to a single young, and in the course of a week or two returns to the sea to

procure food. For this purpose they travel from 50 to 100 miles west, southwest, and northwest of the islands, where they only too readily fall a prey to the seal hunters, who have learned to await their arrival at these places in Bering Sea.

While the fur-seal is a quiet, shy, and easily alarmed animal, it has several peculiar habits which are taken advantage of by the seal hunters and render its capture almost an easy matter. Fur-seals are commonly seen scratching themselves while at the surface of the water. A seal, having satisfied its hunger and desiring to rest, will ascend to the surface, and with only the tip of its nose and a small portion of its back, with now and then a flipper, out of water, will sleep, though in a rather fitful manner, or, with closed eyes, it will roll over and over, keeping its body in a continual slow motion, with one flipper gently beating the water, and bending its body in every conceivable position. I had many splendid opportunities of observing this habit of the seals. On one occasion I waded out until I could have touched with my fingers a fur-seal floating on the surface. With its eyes closed it rolled over several times a minute, at the same time bending and twisting its body into every possible position, using one of its fore flippers as a paddle, and occasionally scratching itself with a hind flipper. I stood thus for more than fifteen minutes, and could at any moment have easily killed it. But suddenly, as it was slowly drifting to leeward of me, its great eyes opened, a look of astonishment seemed to pass over its face, and in an instant, with a great plunge, it had disappeared below the surface, only, however, as is the habit of the fur-seal, to rise again a few yards away, take a last look at the strange object that had alarmed it, and again disappear, this time for good.

It is to this habit of the fur-seal that the success of the pelagic seal hunters is due. On a calm day hundreds of the seals may be seen on the surface engaged in this manner. The poachers are provided with canoes, mostly manned with Puget Sound Indians, who stealthily paddle up to the unconscious seal from leeward and, shooting it through the head, immediately attempt to prevent its sinking by catching it with a pole armed with hooks. It is known that from five to nine of the seals out of every ten that are struck sink before they can be reached, so that the waste of seal life by the pelagic seal hunters is from 50 to 90 per cent. But there is to be added to this statement another fact. The greater number of the seals captured in the waters of Bering Sea are females which are on their way to or have left their young on the rookeries while they are seeking food. As it is a well-known fact that a mother seal will only suckle its own young, and that the young seal is unable until it is several months old to procure its own food, it necessarily obtains that the death of the pup follows that of its mother in a short time. The numbers of dead pups about the shores of St. Paul's began to attract my attention about the middle of July last year. On Aug. 2 I stood on Zoltoi Beach and counted 17 dead pups within ten feet of me, and a line of them stretched the whole length of the beach. Many of them starve to death on the rookeries, but by far the greater number sink in the deep water along the margin of the rookeries.¹

¹The remaining portion of this article appears at page 187 of the Report of the British Bering Sea Commissioners.

**EXTRACT FROM PRODROMUS OF THE ZOÖLOGY OF VICTORIA,
DECADE VIII, BY SIR FREDERICK McCOY.**

Having told my friends, Trooper Ardill and the sealer Ross, that I should like to have their observations on the creature in writing for publication, the former furnished me with the following interesting account, which I give in his own words, conveying Ross's observations and his own:

COWES POLICE STATION, *12th March, 1880.*

In reply to your enquiries relative to the seals which frequent the seal rocks off Phillip Island: The seals come to the rocks about 1st October. The time of bringing forth the pups is between 10th November and 10th December. They do not commence to breed until they are three years old. The male (or bull) during the pupping season will ascend the rocks and stop for one or two months without food, and is extremely attentive to the female (or cow) and pups. When the females fight and quarrel he restores order. The bull is very fat in the beginning of the season, and yields from five to ten gallons of oil, and in three weeks after will hardly yield one gallon, the yield, of course, depending on the age and size of the bull. The cows are seldom killed, as they have very little fat. It is against the rule of sealers to kill a cow or the pups.

They live on fish of various kinds. I have found the backbones of fish 2 feet in length. They eat leather-jackets, parrot fish, squid, etc. I found one backbone 2 feet 4 inches long; it may have been a barracuta or pike; I don't think it was a shark. I have found a few joints of a shark's backbone.

The bull is very furious at pupping season, and when disturbed will go into the water and return in a few minutes. Out of season they go to sea in the morning and return at night. When fighting they strike each other like the boar. Their teeth are about 1½ inches long and cut terribly. I have seen cuts from 1 to 10 inches in length.

The usual color is a yellowish brown, although some have been seen that were spotted, and some a beautiful grey.¹

They generally select flat, inaccessible rocks, or, where they are not disturbed, they select the grassy patches.

The cow generally brings forth one pup; sometimes two. They keep good watch and care affectionately for their offspring. They circle round them in rough, stormy weather, and keep them from any wash or sea that may come over the rocks. I have seen three pups washed off the rocks and the cows have immediately followed and brought them on the rocks again in an astonishingly rapid manner. I have also seen them catch a pup in their mouth and throw them 10 feet high and never hurt them.

The bull's voice or noise is guttural, and when angry sounds something like "ough, ough." The noise is much heavier than any animal I know. When trying to pacify the cows it sounds like "yah yah," said quick and short. The noise of the cow is very much like a cow of the bovine species. The pup bleats like a lamb.

Their sight is not so good, so it is generally said. I think myself their sight good enough, but they not smelling man don't think he will harm them; when they get the least scent they are off like a shot.

During the pupping season they keep up an incessant noise during the night and generally keep quiet during the day. They look clumsy

¹This is the variety figured in Decade LV, Plate 31.

and awkward on the rocks, but they are very lively when on the move.

I consider them as quick in their movements as any fish that swims. They strike at one another with the rapidity of lightning. I have seen one bull prevent another from landing for several hours. They move along by drawing the hinder part of the body forward and under, and then giving a jump and push forward.

If they are disturbed before they pup they will leave the rock and go to another.

The cow has six teats, I think, which they draw into the udder or body when not suckling their young. The milk is very white and strengthening. Should a cow die or be killed her pup is suckled by the other cows. This I am told is the case, but I can't vouch for it. All I write is my experience on the Seal Rocks, off "The Nobbies" at Phillip Island, Victoria.

I can't say whether they inhabit these rocks all the year or not, but don't think so. I have heard Ross say they do not.

As regards their habits, fur, ears, etc., etc., the only difference being in the color; some are darker than others.

They are found along the coast as far as I know, from Phillip Island to Wilson's Promontory. Nearly all the islands in Bass's Straits are inhabited by seals.

I know of no other fur or eared seal; in fact, there is no other seal about here.

(Signed)

GEORGE ARDILL,
Mounted Constable.

EXTRACT FROM A LETTER OF BENJAMIN PENDLETON TO EDMUND FANNING, PUBLISHED IN FANNING'S VOYAGES AROUND THE WORLD, 1792 TO 1832.¹

Speaking of the seals on the coast of Chili, it is said: "It is this last named, viz, the seal fishery, that more particularly needs the assistance of an exploring by Government. Those vessels employed in his business have lately generally made losing voyages from the fact that those places which were the resort of the seals have been abandoned by them or they cut off from them, so that other discoveries are much wanted, while as an evidence that these can be effected was our frequently meeting during our cruise in the ocean with numerous flocks or shoals of those amphibious animals, who, it is well known, must resort to the ice in the year to places that as yet remain undiscovered."

EXTRACT FROM SCAMMON'S MARINE MAMMALS OF THE NORTH-WESTERN COAST.²

FUR SEALS.

Our observations about the mouth of the strait of Juan de Fuca lead us to believe that the unusually large number [of fur-seals] seen in the vicinity during the past two years are a portion, at least, of the great herd that resort to St. Paul and St. George. One reason for this conclusion is, that no adult males are found with them. This would naturally follow the careful course adopted by the Russians of sparing

¹ p. 487.

² p. 155.

the females, in order to propagate the stock. Moreover, this female herd—for, almost invariably, those of the band which had been taken by the Indians were females—are found to have fetuses in them that must necessarily be brought forth in the course of a month or two, which would probably be about the time they would arrive in that far northern region. The Indians unanimously affirm that they come from the south and go to the north. It is quite certain that they do not resort to any islands in or near the strait, or the adjacent coast. As near as can be ascertained, the main body pass by the mouth of the strait during the months of March and April and a part of May, after which comparatively few are seen. Scattering ones, however, remain till the close of summer, as before mentioned. But where these countless herds of fur-bearing animals resort to in winter seems a mystery. All we know is, that at the proper seasons of the year they come on shore plump and fat, the females have their young, and all remain about the land until the little ones are sufficiently matured to migrate.

EXTRACT FROM VENIAMINOFF'S "NOTES ON THE ISLANDS OF THE UNALASKA DISTRICT."¹

From the very discovery of the Pribilof Islands up to 1805, that is to say, until the time of General Rezanoff's arrival in America, the killing of seals on both islands was carried on without the least method or economy, because there were many companies, and, consequently, many masters, and every one of them tried to kill as many as possible. But Mr. Rezanoff, seeing that such a management of the industry threatened the final extermination of the seals, gave orders to stop the killing, and in consequence of these orders no seals were killed on these islands in 1806 and 1807, and all the employés were transported to Unalaska.

In 1808 orders were again given to begin killing them, but circumstances that year only admitted of their being killed on St. George, and they were not killed on St. Paul until the following year, and even in the fourth year (1810) there was only a half catch there. From the time of these close-times, that is to say from 1808 on the island of St. George and from 1810 on St. Paul, up to 1822, killing was carried on on both islands without the slightest economy and even with extreme recklessness, so that the bulls were killed for their skins, and the females perished by hundreds during the drives and on the way from the rookeries to the slaughtering-places. It was not until 1822 that Mr. Muravieff, the chief manager, gave orders to spare the young seals every year for breeding purposes. But the then manager of the Pribilof Islands, instead of sparing fifty or forty thousand seals, as he should have done, in accordance with Mr. Muravieff's instructions, did not spare more than eight or ten thousand during a period of four years. Mr. Chistiakoff, who was governor of the colonies after Mr. Muravieff, presuming that, in consequence of the instructions given by Muravieff the seals on St. Paul had increased in these four years to at least double their former number, and receiving assurances to that effect from the manager of the Pribilof Islands himself, gave instructions to kill 40,000 and the new manager of the Pribilof Islands, in 1828, after employing every means to kill as many seals as possible, that is to say, to exterminate the seal species, with all his exertions procured scarcely 28,000

¹ Part II, pp, 368-382.

Subsequently, when it was plainly seen that the seals were decreasing more and more, owing to this management of the killing, orders were given to observe the greatest care in separating the adult and young females from the seals which were to be killed, and to endeavor to spare as many as possible even of the kind which had to be killed. But all this hardly sufficed to keep the number of seals stationary, and did not at all increase their numbers. Finally, in 1834, the board of administration of the company, in consequence of the convincing arguments presented to it by Baron Wrangel, resolved to make a new arrangement on this subject by sacrificing present profits, and in consequence of this only 4,000 seals are now killed on St. Paul instead of 12,000.

Close-times were observed for the seals on St. George in 1826 and 1827, and since that time great care and economy have been exercised there in killing the seals.

From these facts it is evident that it was not until 1805, *i. e.*, at the time of the consolidation of the companies, that any care was taken for the preservation of the seal species.

It is also evident that half-measures are of no avail, or that, at most, they only tend to preserve the seal species a little longer, and the present measures, under present circumstances, are by far the best. And if this policy of the company is continued for fifteen years, to wit, until 1849, it may be confidently asserted that the seal species will have more than trebled, and, with economical management, will long continue to yield enormous profits. In the contrary case, however, if the company should be intent on present profits, the seals will very speedily be exterminated. Table No. 2, annexed to this volume, suffices to prove this.

Almost all the old inhabitants believe and assert that sparing the seals, that is to say, not killing them for some years, does not contribute in the least to their increase and only amounts to losing them forever. They prove this by the fact that after close-times there always have been fewer seals than there should have been; as, for example, on the island of St. George after a close-time of two years for 5,500 seals, instead of taking ten or eight thousand in the first year, as they had hoped, only 4,778 were taken.

But this opinion, however convincing it may appear, is entirely erroneous—

1. Because it is impossible that any species of animals or cattle should perish of itself.

2. Because very many persons here believed it to be beyond a doubt that the female seals begin to bear in their third year, that is, at the expiration of two years after their birth; but as none of the close-times known here lasted more than three years, it was impossible to see what was the real increase. In fact, after a careful comparison of all the results of the close-times, it is evident that the cows do not begin to bear earlier than the fifth year of their life. The proofs of this are the following:

a. In 1828, after the first close-time on the island of St. George, the seals continued to decrease steadily at the rate of one-fifth annually, until the fifth year. In the fifth year the decrease ceased. In the sixth year there appeared an increase of one-twelfth as compared with the preceding year, and in the seventh year there was an increase of one-seventh (see Table No. 1). This shows that the females born in 1828 did not begin to bear until their fifth year; and, taking into consideration the fact that the largest increase occurred at the expiration of six

years, it is evident that all the females did not begin to bear even in their fifth year.

b. It is well known that the male seal may become a bull (sekatch) in his sixth, but not earlier than his fifth year. Can it be said, then, that the females bear before their fourth year?

c. If the male seal cannot become a bull before his fifth year, then, since according to Buffon's opinion an animal may live seven times as long as the time which is required for it to reach complete maturity, the male seal may live at least thirty years and the female at least twenty-eight years.¹

Taking Buffon's opinion as a basis, and employing the converse reasoning, it follows that an animal does not arrive at complete maturity (and, consequently, cannot procreate his species) until he has completed the seventh part of his life. It follows also that the female seal cannot bear before her fourth year.

There is, therefore, no doubt that the female seals do not begin to bear earlier than their fifth year, that is, at the expiration of four years of their life, and not in their third or fourth year. It may be admitted, of course, that some females have young as early as their fourth year, but this is the exception, not the rule. In order to be more thoroughly convinced of the fact that the cows cannot bear in their third year, it is only necessary to glance at the two-year old female, and compare her with the bull and the mothers, and every one will then say that it is impossible.

Do the cows bear every year? And how many times do they bear in the course of their life? It is very difficult to decide these questions, because it is impossible to make any investigations on the subject, but it is thought that the cows bear annually during their early years, and every other year when they grow older. Consequently they may have, under ordinary circumstances, from ten to fifteen pups in the whole course of their lives, and even more. This opinion is based upon the fact that (excepting one year, 1832) no very great number of cows has ever been seen without pups; but it cannot be said that unpregnant females never visit the Pribiloff Islands, because such are seen there every year. As to the number of cows which have no pups, it may be assumed with certainty, according to the opinion and the ocular observation of the old inhabitants, that not more than one-fifth of the cows that are seen are barren. Still, in order not to lead others as well as myself into error in my estimates of the increase of the seals, I estimate a third (as barren).

There is one more question which is very important in estimating the increase of the seals, viz: Of the number of seals born in one year, how many are males? And is the number of females always equal to the number of males?

Judging by the bachelors which accumulated during the close-times, that is to say, in 1822, 1823, 1824, on St. Paul, and in 1826-'27 on St. George it is evident that the number of bachelors was very variable; for in

¹This opinion is corroborated by the observations of the old inhabitants, and particularly that of one of the best creoles, Shayashnikoff, who, on his arrival at the island of St. Paul in 1817 noticed one young bull (recognizable by his bald head), who at that time already had a large herd of cows, equal in number to those kept by the vigorous old bulls. It must, therefore, be believed that this male became a bull more than five years previous to that time, and that, consequently, he was then more than ten years old, and this bull visited the island of St. Paul regularly every year until 1832, *i. e.*, for fifteen years longer, and always occupied one and the same spot, and it is only in recent years that they have noticed that the number of his cows was growing less and less.

stance, on the island of St. Paul 11,000 seals were spared for three years, and in the following three years 7,000 bachelors were killed there, *i. e.*, almost two-thirds of the number which had been spared; and, on the other hand, from 8,500 seals which had been spared for two years on St. George, less than 3,000 were obtained, *i. e.*, little more than a third. What is the cause of this variation? Is it because in some years more bachelors or males are born than in others? Or are there years in which many cows have no pups? Both [suppositions] are probably true.

I therefore, in accordance with the opinion of the hunters, estimate that of the number of seals born in one year half are males and half are females.

In proof of the many facts with regard to seals related above, Table No. 1 is hereto annexed, giving the number of seals killed on the Pribilof Islands from 1817 to 1838. From this table it appears that—

1. There was not one ordinary year in which the number of the seals killed equaled the number in preceding years; it was continually growing less and less.

2. The decrease of the seals is not uniform; sometimes it is a sixteenth, sometimes a tenth, sometimes a fifth, and even two-sevenths, but, on an average, an eighth.

3. Hence, under the ordinary course of the killing, within less than fifteen years the whole seal species may be exterminated.

4. The least decrease is usually at a time when there was a less number of bachelors than in the preceding years (*i. e.*, when the young seals were not entirely destroyed), and the greatest decrease occurred when the number of bachelors had been less.

5. The number of bachelors is the true measure or criterion of the actual number of seals; in other words, if the bachelors increase in numbers, the young females, also, increase, and vice versa.

6. The bachelors separate from the herd, and assemble in herds apart, not earlier than in their third year, as was seen by the close-times on the islands of St. Paul and St. George (1822, 1823, 1824, 1835, 1836, 1837, and 1826-'27).

7. The decrease of the number of seals on the island of St. George after a close-time of two years (1826-'27), continued for two years and steadily at the rate of one-fifth.

8. In the fifth year after the first close-time, the decrease may be regarded as having ceased; in the sixth year there was an increase of a twelfth, and in the seventh year of one-seventh, and subsequently the number of seals remained almost the same for three years.

9. If no close-time had been observed on St. George in 1826-'27, then, assuming the decrease as only an eighth (see sec. 2), not a single seal would have been left on St. George by 1840 or 1842, as appears by the following table:

Year.	Seals.	Year.	Seals.	Year.	Seals.	Year.	Seals.
1825.....	5,500	1829.....	2,468	1833.....	1,360	1837.....	700
1826.....	4,400	1830.....	2,160	1834.....	1,190	1838.....	580
1827.....	3,520	1831.....	1,890	1835.....	1,040	1839.....	500
1828.....	2,816	1832.....	1,554	1836.....	850	1840.....	400

The decrease in recent years, however, must be estimated at more than one-fifth, because the smaller the herd the fewer the bulls,

that is to say, the protectors of the herd, and consequently so much the more quickly would the orks exterminate them.

10. Hence a close-time of two years preserved the seal species for more than ten years, and the loss suffered by the company during the close-times (about 8,500) was far more than repaid; and the more so as, if the company had not observed a close-time in 1826 and 1827 it would not have procured more than 24,000 from 1826 to 1838, *i. e.*, in twelve years; but by having a close-time for only two years it procured 31,576 sealskins in ten years, and moreover may get more than 15,000 more without any close-time.

11. Thus, if so insignificant a number of seals spared on St. George (about 8,500), and for so short a time, to wit, two years, yielded so large a profit, namely, three times as many as the number spared, how great would be the profits resulting from the recent policy of the board of administration of the company on the island of St. Paul, where there has already been a close-time for four years, and where more than 30,000 seals have been spared for breeding purposes up to this time.

If not for the sake of comparison, at least as a matter of interest, I present here a table of the increase of the seals for fifteen years, from 7,000 spared on the island of St. Paul in 1835. (See Table 2.)¹

By order of the board of administration a close-time, or sparing, was observed on the island of St. Paul, for all the seals in excess of 12,700; *i. e.*, in the preceding year, 1834, 12,700 seals were killed there, and in the following year, 1835, if there had been no close-time, not more than 12,200 would have been procured from the whole island under ordinary circumstances, estimating the decrease at only one twenty-fifth; but in that year instead of 12,200 only 4,052 seals were killed; consequently 8,148 seals, including males and females, were left for breeding in 1835.

In drawing up the tables of the increase of the seals, however, I assume the decrease as the average one, that is, one-eighth; and it then follows that the number of seals spared will not be less than 7,060.

In the number of 7,060 seals, we estimate 3,600 females, that is, a few more than the number of males.

I estimated that one-half of the new cows born during the close-time would have young in the first year following and two-thirds every year subsequently.

The females must decrease in numbers from natural causes at the expiration of twelve years from the time of their first having young; *i. e.*, at the end of eighteen years of their life, and at the end of the twentieth year of their life they would be entirely useless for breeding purposes.

Half of the young seals born at the expiration of four years after the close-time, and subsequently are assumed to be females, and this number is inserted in the table and the males or bachelors are added to the total.

It will be seen from the second table that—

1. The old cows—that is, those which were able to have young in 1835—must become extinct by 1850 (assuming the decrease at one-eighth annually).

2. During the first four years after the close-time, *i. e.*, until the new cows begin to bear, their number will usually diminish.

3. A number of seals equal to the number spared will be obtained at the expiration of six years; double that number not before the expiration of twelve years; treble that number at the end of fourteen years,

¹ For tables, see the original publication.

and at the expiration of fifteen years of sparing the seals 24,000 may be taken the first year, 28,000 the second, 32,000 the third, 36,000 the fourth, 41,000 the fifth; more than 160,000 in the five years. Hence, with economical management, that is, sparing one-fifth of the seals, 32,000 may be taken every year permanently, or, at least, for a very long time.

4. In addition, during the fifteen years of the sparing 60,000 or 70,000 bachelors may be taken, making a total of 230,000.

5. If there should be no sparing, the whole seal species would be extinct forever at the expiration of fifteen years, and during all that time it would not be possible, using every exertion, to procure more than 50,000 seals.

It must be said here that the most moderate estimates have been made in the table as to the increase of the seals and the decrease of the cows has been taken at the average rate. Moreover, on the island of St. Paul, in 1836 and 1837, instead of 7,900 seals, only 4,860 were killed in 1836 and 1837, and consequently 1,500 cows were spared there in two years, which were not taken into account in drawing up the table, and which may yield a very large increase.

In confirmation of the estimates with regard to the increase of the seals on the island of St. Paul I annex a table of the increase of the seals which were spared on the island of St. George in 1826 and 1827, based upon the same reasoning as the preceding, which shows plainly that my estimates were very near the truth. (See Table No. 3).

MATTER RELATING TO OWNERSHIP OF CERTAIN SEALING VESSELS SEIZED BY THE UNITED STATES.

EXTRACTS FROM NOTES MADE AT THE TRIAL OF THE CASE OF WARREN vs. BOSCOWITZ AND COOPER.

IN THE SUPREME COURT OF BRITISH COLUMBIA.

BETWEEN HANNAH WARREN, PLAINTIFF, AND JOSEPH BOSCOWITZ
AND T. H. COOPER, DEFENDANT.

I, Harvey Combe, deputy registrar of the supreme court of British Columbia, do hereby certify that the paper writing hereunto annexed and marked with the letter A, and containing five pages, each respectively bearing my signature, is a true and correct copy of extracts made from the transcript of the official shorthand notes taken at the trial in the above suit.

Witness my hand and seal of the said supreme court of British Columbia this 27th day of September, A. D. 1889.

[SEAL.]

HARVEY COMBE,
Deputy Registrar.

A.

IN THE SUPREME COURT OF BRITISH COLUMBIA.

(Before chief justice and special jury.)

JUNE 4TH, 1889.

Hannah Warren vs. Joseph Boscowitz and T. H. Cooper.

Mr. W. J. Taylor for the claimant, Hannah Warren; Mr. Theodore Davie, Q. C., for the deft., Boscowitz.

(FIRST DAY.)

GEORGE E. MUNRO, under cross-examination by Mr. T. DAVIE:

856. Q. Come over and shew the jury exactly what this is made up of. Remember that Mrs. Warren had nothing to do with the sealers; yet she takes credit for this \$504.40.—A. Mr. Boscowitz should have paid for it. I charged it up to the *Grace* and gave Mr. Boscowitz credit for it. These boats are supposed to be owned by Mrs. Hannah Warren. That is one of the items—there is the *Dolphin's* chronometer. That was charged in the general books which they had no business to put in here. It was charged here, but should have been charged in Mr. Boscowitz' sealing books. Afterwards, to keep a correct account with the sealing schooners, I afterwards brought it into these books.

I gave Mr. Boscowitz credit for \$504.40, which he actually never paid out. It was journalized; the steamer *Barbara Boscowitz* money paid that out. I gave him credit for it, and charged him as you will find in these books, and it is charged there to Joseph Boscowitz and credited to Boscowitz in these books, and there is the entry. Here is the Boscowitz account in the sealing ledger; there is the whole \$504.40 which Mr. Boscowitz is credited with, and the different schooners are charged with it. There is the entry.

857. Q. Now, where are the books of J. D. Warren & Co. where those things are charged?—A. Well, I guess that is the cash book. That is the winding up of the sealing business. He owed the sealing business \$22,000.00. That is what they made out of it.

858. Q. And that balance was divided between them?—A. That balance was divided between them, but it never appeared on the books. That is what brings the balance down.

(SECOND DAY.)

JUNE 5TH, 1889.

GEORGE E. MUNRO, under cross-examination by Mr. T. DAVIE:

929. Q. There is nothing in Mr. Bales' account subsequent to this account marked H, 1. Mr. Bales' account only makes up the balance, \$47,274.62, with which both accounts start. So, you see, there is the whole account. Now, I want you to give me an answer. The question I just asked you was, how is it that the combined balance of Mrs. and Capt. Warren's accounts amounts to the identical sum which is shewn in "H" 1, which Capt. Warren's amounts to? I want to know if you can make it out by any of the books which you have shewn?—A. There are some of those items you have got that don't appear on the books.

930. Q. Where do they appear?—A. Well, there is that \$17,000.00, that appears in the account and not in the books, to the best of my knowledge.

931. Q. You took that from some book, some account?—A. Not necessarily. Well, these accounts was divided up between Capt. Warren and Mr. Boscowitz.

932. Q. You refer to the amount of \$17,980.95?—A. Yes.

933. Q. That was divided up between Capt. Warren and Mr. Boscowitz?—A. That was divided up between Capt. Warren and Mr. Boscowitz.

934. Q. That amount was the net gain, was it not, of the sealing season of 1886?—A. It was.

935. Q. Capt. Warren took half and Mr. Boscowitz took half. I quite understand that, but does that fact account for this account?—A. That item is right here.

(THIRD DAY.)

GEORGE E. MUNRO, under cross-examination by Mr. DAVIE:

1058. Q. That is all I wanted to know. \$3,200.00 out of \$14,104.00 leaves \$10,904.00, which was paid to him in cash and the first amount paid by him on account of the sealers. Can you tell us by looking at the books how much money Mr. Boscowitz during the year of 1886 put

into the sealers?—A. Somewhere about between \$40,000.00 and \$50,000.00.

1059. Q. How much do you make it here?—A. That is not exact; that is rough, to the best of my knowledge.

1060. Q. Does that include the "B. Boscowitz" balance of \$3,200.00?—A. Yes; it does.

1061. Q. Where is it?—A. (Pointing.) There it is.

1062. Q. Well, it was \$48,103.90?—A. That is only rough. It is between \$40,000.00 and \$50,000.00.

1063. Q. What money did Capt. Warren put in that year; anything?—A. I don't think so.

1064. Q. Well, whether it was \$50,000.00 or \$60,000.00?

WITNESS. \$40,000.00 or \$50,000.00.

1065. Q. Well, you call it \$40,000.00 or \$50,000.00. I think I shall shew you presently it was \$60,000.00. But whatever it was it was all put in by Mr. Boscowitz. The net profit was how much?—A. \$17,980.95.

1066. Q. And was not that divided equally between Capt. Warren and Mr. Boscowitz?—A. I believe that was the understanding.

1067. Q. Well, you believe that was done?—A. It does not appear on the books anywhere.

COURT. He may say that, but is not that the very same amount we had on the books which did appear?

WITNESS. No, my lord; it does not appear on the books.

1068. Mr. DAVIE. Well, does it not appear on the accounts?—A. I believe it does on the accounts.

1069. Q. Which you drew up yourself?—A. Yes.

COURT. The books may not include all the accounts between the parties.

1070. Mr. DAVIE. However, they were included in the accounts, and were divided between both of them?—A. Yes.

1071. Q. So Mr. Boscowitz put in all the money for that arrangement, and divided the profits with Capt. Warren?—A. Capt. Warren put in the schooners.

1072. Q. Well, he was paid for them. Were not the schooners chartered at \$200.00 a month?—A. There was a charter party with Griffiths between them.

1073. Q. Griffiths had nothing to do with them?—A. Griffiths was the assignee of Capt. Warren's estate.

1074. Q. And was it not a fact that Mr. Boscowitz chartered these from Griffiths, and paid the money for them—\$200.00?—A. I believe there was a charter party.

1075. Q. Then it is not true, as you said just now, that Capt. Warren put in the schooners?—A. I never said it in any way. It is a strange thing Mr. Boscowitz would pay him \$8,000.00 or \$9,000.00 if he didn't.

1076. Q. Was it not a fact that Mr. Boscowitz did pay the charter money for these schooners at the rate of \$200.00 a month?—A. I don't know who paid it.

1077. Q. You know that it was charged in the account to Mr. Boscowitz. Did he not pay it? Tell us what sum they were chartered at a month?—A. I am just looking for it. I don't think the amounts—they are not put down here.

1078. Q. But it is a fact that they were charged by Griffiths, the assignee?

Mr. TAYLOR. The charter party speaks for itself.

1079. Mr. DAVIE. Besides that, was it not a fact that Mr. Boscowitz was allowing \$100.00 a month to Capt. Warren besides half of the profits?—A. Well, I don't know that Mr. Boscowitz allowed it. I believe I put it down and had a row over it with Mr. Boscowitz.

* * * * *

1115. Q. You might tell me this before I sit down. This account "K" shews the balance of profit to be \$22,140.20. How is that reduced to \$17,000.00? You can just give us that by the books.—A. There was a loss on the *Thornton* of \$4,001.48; that is, the "*Thornton*" sailed for the Behring Sea and never returned.

HARVEY COMBE,
Dep. Reg. Sup. Ct. B. C.

EXTRACTS FROM THE EVIDENCE IN THE CASES OF WARREN vs. BOSCOWITZ ET ALIOS AND BOSCOWITZ vs. WARREN ET AL., IN THE SUPREME COURT OF BRITISH COLUMBIA.¹

As to the interest Joseph Boscowitz had in the sealing business carried on between him and J. D. Warren, from the port of Victoria, B. C., for a number of years, beginning in 1868, and with occasional interruptions of a year or more, continuing up to 1887, the following evidence appears in a trial in the supreme court of British Columbia before the chief justice and a special jury, Mrs. Hannah Warren, wife of J. D. Warren, being plaintiff, and Joseph Boscowitz and T. H. Cooper being inter-pleaders. The court opened June 4th, 1889.

The evidence given by the witnesses shewed this general business relation:

That sealing schooners were obtained by Warren either by building them or by purchase from other parties for him by Boscowitz; that Warren supervised the fitting out of these vessels for sealing, supervised the running of the vessels, and the return of the sealskins to the port of Victoria. Boscowitz furnished the money to fit out and provision the schooners and, in connection with his general fur business, sold the sealskins either in Victoria, San Francisco, New York, or London. After taking out all expenses the profits were divided equally.

About 1884 or 1886 Warren became bankrupt, and to keep the schooners out of the hands of his creditors they were sold, nominally, to T. H. Cooper, his brother-in law, who lived in San Francisco, Boscowitz taking mortgages on them to secure his interests in the sealing industry. These mortgages were up to the full value of the vessels. The business and all its appurtenances, schooners, etc., at this date, practically belonged to Boscowitz.

On page 8 of the reported evidence the following statement appears:

"Mr. Taylor asks for production of bill of sale and mortgage referred to by Mrs. Hannah Warren in her afft. of production, and also in the notice to produce, stating that at the time a receiver was first appointed it was attached as an exhibit to an affidavit. Mr. Davie hands it to Mr. Taylor, asking the court to note the fact, stating the date of the documents to be 20th Fby., 1886, on which: 'I, Joseph Boscowitz, now residing in the city of Victoria, under and by virtue of an indenture of mortgage dated the 6th Feb'y, 1884, and registered the 3rd March, 1884, for securing payment for the sum of \$15,000, with interest, and an indenture of mortgage dated the 8th July, 1884, and registered the same

¹Inclosed in Consul Meyer's dispatch No. 197.

date, and for securing payment of the sum of \$15,000.00 and interest, etc.”

“COURT. He had two mortgages on the same steamer?”

“MR. DAVIE. Yes; two for \$15,000.00 each; \$30,000.00 in all.”

To shew how the business was run, Geo. E. Munro, book-keeper for J. D. Warren, testified as follows (page 62 of the record):

GEO. E. MUNRO, direct.

“Q. Well, now, of that 13 or 14 or more thousand dollars of the net earnings of that summer that you received, what did you do with them?—A. That is, in 1886?”

“Q. Yes.—A. Well, some of it was banked.

“Q. Who got it from the bank; do you know?—A. Well, Mr. Boscowitz got some of it.

“Q. Do you know how much?—A. Well, I gave him a cheque personally for \$1,128.42.

“Q. What were the items of the other ones?—A. Another amount to Capt. Williams. \$600.00.

“Q. That is the master mariner in command?—A. The captain of the boat.

“Q. And the balance?—A. Was paid to Joseph Boscowitz.

“Q. Whom did you give that \$1,128.42 to?—A. To Mr. Boscowitz personally. I gave one cheque, the first one, to Capt Williams, \$600.00, and the second cheque to Mr. Boscowitz of \$1,128.42.

“Q. What did you do with the balance of the money?—A. Well, the balance of the money was disbursed for the steamer, and what was over went to Mr. Boscowitz personally, or went into the office for his business.

“Q. After the running expenses of the *Barbara Boscowitz* were paid he received the balance personally, or it was put in his business?—A. In the sealing business.

“Q. What was the amount he received, either personally or that went into the sealing business?—A. About \$14,104.84. That was paid to Mr. Boscowitz personally or by his order for the sealing business.”

On page 78 of the record, the same witness, the following appears.

GEORGE E. MUNRO (cross-examination):

“(To witness.) Was not that \$41,000.00 the settled balance between Capt. Warren and Mr. Boscowitz when Mr. Boscowitz left for England on the 25th October, 1886, which was when he left, was it not?—A. I believe so.

“Q. Was not the settled balance about \$41,000.00?—A. Still, it does not appear any place.

“Q. But does it not appear from these accounts which you have shewn?—A. In lead pencil it does.

“Q. Well, the settled balance here appears of the two accounts to be \$35,000.00—\$33,000.00 on the one and \$1,700.00 and something on the other, making \$35,000.00 and some fractions in all. Add to that \$5,530.00 (?) and something, makes it altogether \$41,000.00. Now, is it not a fact that mortgages were given at that time on the different vessels for \$41,000.00? I will just remind you of it. Were not these mortgages given at the time that Mr. Boscowitz left for England, which you say was the 25th Oct., to secure this by Cooper? On the *Barbara Boscowitz* \$20,000.00, on the *Grace* \$6,000.00, on the *Dolphin* \$6,000.00, on the *Anna Beck* \$5,000.00, on the *W. P. Sayward* \$2,500.00, on the *Rustler*, making in all \$41,000.00?—A. Well, if you show me the books I will tell you.”

The witness did not answer, but referred to the books he had kept for Warren, which were sent for, and the facts substantially brought out.

In the supreme court of British Columbia, before Sir. M. B. Begbie, C. J., December 9, 1890, Hannah Warren, plaintiff, *vs.* Joseph Boscowitz and Thomas Henry Cooper, defendants, Joseph Boscowitz testified as follows as to the ownership of the schooners used in seal-catching (pp. 24 and 25 of the court record):

JOSEPH BOSCOWITZ (cross-examination):

"Q. In 1886, you say, the charter money was paid to Griffiths, the assignee?—A. I think he got \$350.00—something like that—after deducting the outfit of the vessels. It is in the account. I think there was \$350.00 given to him. The account will shew it—1886.

"Q. Do you recollect how much it cost to outfit those vessels?—A. The charter? No; I cannot tell without going to the books. I have never looked into these things; never paid any attention.

"Q. You treated the vessels as Warren's that year, too?—A. I don't know whether they were his or not. They could not have been his, because they were in the hands of the receiver. I was virtually owner of them. They could not take mortgages from me, but this man was appointed assignee, and I thought it better to charter the vessels than have them sold. At that time a schooner was worth nothing.

"Q. Was that what you agreed to do—carry his property?—A. No; I didn't.

"Q. Never?—A. No, never; not to carry his schooners. Why, those schooners were mortgaged to me for \$12,000.00, put up at auction, and could not get \$2,500.00 bid on them.

"COURT. Not on the whole thing, do you mean?"

"A. No, sir; not in 1886. The sealing business had gone down to nothing. That is the first year they went into the Behring Sea. I think I offered them in 1885—yes, 1885—but could get nothing for them."

The same witness, still in cross-examination, says, on page 26 of the record, as to the loss of the schooner *Rustler*, the insurance on her, and Warren's manner of making accounts, that:

JOSEPH BOSCOWITZ (cross-examination):

"Q. As a matter of fact, you did not get the insurance on that account?—A. Not at all. Capt. Warren wrote to me in a letter that he had swelled it all he could, because he thought the underwriters would not pay it; but the cargo was insured for 1,000 pounds. You have no trouble about getting it. There are the bills there. Nineteen hundred was for store account. He made it as large as he could."

And on page 27 this question and answer:

"Q. You got all the insurance?—A. The cargo is credited to the seal ing account and the hull is credited direct. I held the mortgage for \$1,500.00 on the hull, and he got the benefit of \$1,000.00.

"Q. You say that Capt. Warren swelled this account?—A. Yes; have got the letter to shew it.

"Q. Do you recollect the time the *Barbara Boscowitz* fell off the ways?—A. Yes; to my sorrow.

"Q. Do you recollect the directions you gave him?—A. Yes; I told him to abandon her. The underwriters told him that.

"Q. Do you recollect telling him to swell this account?—A. Not to my knowledge. He swelled it to \$12,000.00 and only got \$6,000.00. I was for his own protection if I did. I knew that he could not get more than half of his insurance."

Court adjourned until December 12th, 1890. Court resumed December 12th, 1890, and following record made, page 28:

JOSEPH BOSCOWITZ (cross-examination—continued):

"Q. About the putting in of those claims—you remember in 1887 when these schooners came back from seizure—when were the first claims made against the United States Government, and where?—A. I think they were made up here.

"Q. Do you remember anything about those claims?—A. I don't recollect very much about it. Capt. Warren, I think, and some of the other sealers got together and made them up.

"Q. Did you ever see the claims?—A. I think I did.

"Q. You say that Warren and some of the sealers got together and made them up?—A. I think that is the way it was done, and he went forward with them to Ottawa.

"Q. Are you sure about that?—A. Yes; pretty certain.

"Q. Did Capt. Warren take the claims to Ottawa?—A. Yes.

"Q. They were made up here?—A. Yes.

"Q. We will go back to these claims—the *Grace* the *Dolphin*, the *Sayward*, and *Anna Beck*—they were in 1887?—A. Yes.

"Q. You saw those claims here after they were made up?—A. Yes.

"Q. Were they made up simply in your name?—A. No; simply a memorandum. I think I have got the memorandum of it.

"Q. Do you know in whose name they were preferred?—A. I heard that when Capt. Warren returned—

"Q. I am not talking about other claims.—A. No; I told him they should be put forward in my name.

"Q. Didn't you see these first claims before they went forward to Ottawa?—A. Simply a memorandum.

"Q. You swear you did not have the claims and made them up yourself?—A. I think so.

"Q. Those are the first set of claims that went, your lordship. The revision of these claims came afterwards?

WITNESS. Yes; Capt. Warren took them on, I think.

"Q. I think you are wrong about that.—A. I don't recollect, but I think he went on with them.

"Q. Anyway, he went on to Ottawa?—A. Yes.

"Q. To revise those claims?—A. Well, we supposed they were made out perfectly; and when he got there—I think he went on to New York and had a lawyer and revised them there, and then he went back to Ottawa—and I thought you had something to do with that.

"Q. You don't remember so very much about the claim that went in at first?—A. I think I have just got a memorandum in Capt. Warren's handwriting of each schooner.

"Q. Hadn't you those claims made out in the name of the registered owner?—A. No, never; he had no interest in them.

"Q. You have also sworn that you paid Capt. Warren's expenses to Ottawa?—A. Yes, I gave him money.

"Q. Did you charge it to him?—A. I think it is charged.

"Q. That is the way you paid it?—A. Charged it to the sealing account—\$650.00 to New York—\$650.00 to New York, and I gave him the money to go with, and then when he came back there was a division among all the sealers, and each one paid his proportion in cash.

"Q. But the money you advanced him to go there you charged him?—A. I did, and he has got credit for it in his account—the sealing account.

"COURT. To the sealing account at once or to him in the first instance?—A. I charged it to him, and then it went back to the sealing account again.

"Mr. BELYEA. I think you stated the day before yesterday that whatever the arrangement was in 1881, as to the carrying on of this sealing business, was carried right through?—A. I think so—never but one.

"Q. Will you state what that was?—A. He was to have half profits.

"Q. Anything else?—A. I was to stand all the losses.

"Q. Anything else?—A. No, nothing else; there is nothing else to be said."

On the point of ownership of the schooners Boscowitz testified, in cross-examination, as follows, commencing on page 47 of the record:

"Q. You held mortgages on these schooners, then?—A. I did.

"Q. In the fall of 1886 you sold those schooners under the mortgages?—A. I think so.

"Q. Did you realize any cash from the sales?—A. No.

"Q. Not a cent?—A. No."

"Q. Did you expect to realize when you sold them?—A. In 1886? I did not want to sell them—Capt. Warren did not want them sold—simply a transfer to himself—to his brother-in-law. I do not know that there were any bidders for it. I don't recollect that sale very much.

"Q. You sold under the mortgage?—A. Yes; I think so.

"Q. You did not realize any cash?—A. No.

"Q. You simply turned round and took other mortgages from—A. From Cooper at Capt. Warren's request.

"Q. How did Capt. Warren get control of them, then?—A. He was only manager.

"Q. For whom?—A. For Cooper.

"Q. As manager for Cooper, he had control of the vessels?—A. Capt. Warren—he had control of them—did as he liked with them; he was the owner—the virtual owner.

"Q. Subject to your mortgages?—A. Yes.

"Q. And the next year they were put into the sealing business?—A. Yes."

J. D. Warren assigned to J. W. Griffiths, and the schooners were afterward nominally sold to T. H. Cooper, as has been stated. On page 68 of the record J. D. Warren testified as to the business arrangement with Boscowitz, as follows:

J. D. WARREN, direct:

"During the sealing season of 1885 did you and Mr. Boscowitz carry on the sealing business?—A. In 1885 we did.

"On what terms?—A. The same as usual.

"COURT. That is what you both say—what were the terms?—A. I was to put in the schooners, Mr. Boscowitz was to put in the cash against the schooners, buy seals, and go into the sealing business on joint account.

"Q. He was to put in cash against the schooners?—A. He was to put in all the cash necessary. I was to put in the schooners. One was against the other. We was to go into the business.

"Mr. BELYEA. Now, when you came into the sealing season of 1886 had you the vessels in your control?

A. No.

"Q. Who had the vessels?—A. J. W. Griffiths.

"Q. What were the arrangements between you and Mr. Boscowitz about the vessels for 1886?—A. Well, in the first place, Mr. Boscowitz

when I made the assignment he wanted—he said there wasn't any reason why the business should not be carried on in Mrs. Warren's name and under his instructions, and get a set of books for them parties, but he changed his mind afterwards. We talked it over, and he said he had come to the conclusion he would carry it on in his own name—it would be safer. Therefore then we started in 1886 we chartered the vessels from Griffiths with the understanding it was to be on joint account, the same as usual, and he had the thing and business done in his own name, and had a set of books, and instructed Munro, who went and got a set of books and started them for Mr. Boscowitz. I went sealing that season, and Mr. Boscowitz stayed here and attended to the business."

Then, as to the manner in which the accounts were made up and presented at Ottawa, the same witness testified as follows, commencing on page 72 of the record:

"Q. When the claims were made up this season in 1886 and 1887 who made the first claims up; under whose direction and where were they made up?—A. The claims in 1886 was made up here—the *Thornton*; I am under the impression it was drawn from Drake and Jackson's; I would not be positive—I fancy so—and then sent by Mr. Boscowitz to [through?] Mr. Hamley to Ottawa.

"Q. (COURT.) It is not so much a question by whose hand it was made—whose particular clerk, but by whose instructions?—A. Mr. Boscowitz and myself; we joined together in making up these things and also we used to have Munro, I don't know whether we did in 1886 or not. I am pretty sure we must have.

"Q. What was done?—A. As near as I remember, Mr. Boscowitz gave them to Mr. Hamley to send to Ottawa.

"Q. Then the statements he made, you took them, and sent them, and kept a copy?—A. At any rate, I took the rough copy in 1887; the others was already sent to Ottawa. I took the rough copy with me down to New York, and Mr. Boscowitz's brother introduced me to a lawyer, and he made type-written copies, and those are the copies. They were sent back; those were taken from the rough sketches that I took, that was prepared by myself and Mr. Boscowitz; and Mr. Munro, I believe, he put them in shape for me; but the rough copies never was returned to me, and these were sent to me afterwards, but not used."

(No exceptions taken to their being correct copies.)

"Q. In 1887, when there were other claims to be made up, were they treated in the same way?—A. They were treated in the same way.

"Q. The original claim was prepared here and sent to Ottawa through Mr. Hamley?—A. Through Mr. Hamley, I believe; I don't think I had anything to do with giving them to Mr. Hamley.

"Q. Yourself went to Ottawa in the fall of 1887?—A. Yes.

"Q. At whose instigation and why did you go?—A. Well, partly my own. We counselled together, myself and Mr. Boscowitz, and several other parties that had their vessels seized, and it was agreed between all of us that I should give any information there that they should require at Ottawa. We did not expect to have make the claims over there when I left, but it was to give them any additional information they might require.

"Q. To give the department of marine and fisheries any information they required?—A. To go over them and put them in different shape—different style. The Hon. Mr. Foster was the party I had the dealings with.

"Q. The original claims that were sent through Mr. Hamley were there then?—A. They were at Ottawa when I got there.

"Q. And those are the claims that were revised?—A. Those are the claims that were revised.

"Q. And I understand that the claims that went through Mr. Hamley were simply the approved copies of the rough drafts that you took to New York?—A. They were the best copies made from the rough draft.

"Q. And those are also copies made from the rough draft?—A. Yes; I don't know how they run with the rough draft, because it was not returned to me. The copies were returned to me, but I did not get the rough draft back.

"Mr. BELYEA. I will put in these several documents."

(Seven documents put in, marked Exhibit J.)

"COURT. You will have to identify those documents. What are they?

"Mr. BELYEA. They are copies of the rough draft of the claims.

"COURT. Where are the rough drafts themselves?

"WITNESS. I left them in New York.

"Q. I thought he said he took them with Mr. Boscowitz' brother to New York, had copies made, then brought them here?—A. No; Mr. Boscowitz' brother introduced me to a lawyer there in New York, and I left them with him. He thought he could put them in much better shape than we had them; but he simply made copies of them and sent them back to me; but he retained the rough draft; those are the copies that were sent to me, but we didn't use them.

"Q. Who made these copies? How do you know they were copies? Were they made in your presence?—A. They were made in my presence. I made no rough copies in New York, and we sent the document to Ottawa. I don't know how correct they are, but I know in every little detail.

"Q. I do not think (to Mr. Belyea) they are admissible, unless you prove something more than that.

"Mr. BELYEA. I submit that under the circumstances they are quite admissible. We have first the rough draft of those that Capt. Warren took to New York, and left there. That rough draft was to be revised in some way.

WITNESS. Put in shape.

"Mr. BELYEA. And forwarded to him. (To witness). Did you go to Ottawa from New York?

"A. Yes; I went back to Ottawa.

"Q. And where did you receive those? A. They were sent to me at Ottawa.

"ATTORNEY-GENERAL. We can compare those with some authentic document we have, and then we can tell whether they are true copies.

"COURT. They are not admissible for a moment; it would be doubly assured, because we do not know who drew these copies and made them; and in the next place [to Mr. Belyea], while you allege them to be copies, you say they were left with somebody not to be copied, but altered, and then you say in conflict with these directions they sent you those exact copies.

"Mr. BELYEA. Capt. Warren says they merely copied the rough draft.

"COURT. Has he compared them?

"Mr. BELYEA. Probably not. If my learned friend has got the original, let him produce them.

"COURT. You say they are left in New York ; how can he produce them ?

"ATTORNEY-GENERAL. I say, if you will let me have them I will compare them with some authentic documents that I have.

"WITNESS. I don't think Mr. Davie has got any copies of the original. I am not aware of it.

"Mr. BELYEA (to witness). In making up of the claims in 1886 and of the claims in 1887, was it ever suggested by Mr. Boscowitz or anybody else that the claims should be in his name ?

"A. No; never.

"Q. In whose name were the claims made up here?—A. Made in the name of the party the vessel was registered in.

"Q. Were the claims that went through, Mr. Hamley, made up in that way?—A. They were.

"COURT. That was in Cooper's name?

"Mr. BELYEA. Yes; and Warren himself was the registered owner of—

"WITNESS. The *Thornton*.

"Q. While at Ottawa you not only had the revision of your own claim but of the others?—A. I had.

"Q. In every case of the others, in whose name was the claim made out?—A. The registered owner, I believe, in every case.

"COURT. You mean not only these that belong to Mr. Boscowitz and yourself, in whatever relation, but also the other schooners that had been seized?

"A. All the other schooners.

"Mr. BELYEA. Now, do you recollect having got any instructions from the department of marine and fisheries as to this particular point of the claim—of having had any conversation with the official about it—about in whose name the claims should be made out?

"A. I always understood that it had to be made up, both by legal advice here and the authorities there, that they all had to be made up in the name of the registered owners both here and at Ottawa.

"Q. When you went to Ottawa did Mr. Boscowitz instruct you in any way whatever to put these claims in his name?—A. He did not; in no way whatever.

"Q. So that the claims stand to-day, so far as in whose name they are, exactly as they did when they first left here?—A. They are just the same to-day."

Court adjourned to Dec. 13th, 1890, at 11 a. m.

Court in session, December 13th, 1890.

James D. Warren, in chief examination, after stating how many vessels he had out each year engaged in the sealing business, testified as to the value of the schooners, commencing on page 78 of the record, as follows:

"Q. And in 1887 how many vessels were put in?—A. Well, I believe I had six vessels in 1887. The *Mary Taylor* took the place of the *Thornton*; the *Thornton* was seized, and the *Mary Taylor* was bought.

"Q. I want you to state, as nearly as you can, what the cost of those vessels was?—A. The cost of running them?

"Q. No; the vessels.—A. Well, I put the *Thornton*, I think, at \$4,000.00—that is the time she had her machinery put into her, and was made a steamer of—and the *Sayward*, say, cost—well, the *Anna Beck*,

she would cost \$4,000.00; we paid that in the first place and then I put machinery in her afterwards, so she would—and then she was burnt—her decks were burnt out. They were raised on here, and made her larger and a good deal of money was spent on her. After that she was valued at about \$8,000.00. The *Grace* when she was all ready fitted out, and all the gear aboard—for passengers, and her hoisting gear, and all this—she cost about \$16,000.00, and the *Dolphin* about the same. The *Sayward* cost, say, between \$6,000.00 and \$7,000.00.

“Q. But did you always own the whole of the *Sayward*?—A. No; only half.

“Q. Who was the owner of the other half?—A. Andrew Laing.

“COURT. Then there is the *Rustler*.—A. The *Rustler*, she was bought in the fall, I think.

“Q. I mean to say, what was her cost?—A. We bought her a wreck and had to fix her up. She cost, I think, something over \$2,000.00.

“Mr. BELYEA. After she was fixed?

“A. Yes; I think she cost in the neighborhood of \$2,500.00, altogether, when she was put in thorough order.”

Court in session, December 15th, 1890.

J. D. WARREN, in cross-examination, page 117 of the record, as to his claim against Boscowitz, testified as follows:

“Q. What do you claim, as against Mr. Boscowitz, in respect of these schooners; the whole of their value, the half of their value, or what?—A. In respect of what, the hulls?

“Q. Yes.—A. Well, I don't know about that. That is for the court to decide about that.

“Q. Well, what do you claim?—A. Well, I claim that I put in so much money; that Mr. Boscowitz was to furnish what he didn't furnish for the sealing business. I furnished it.

“Q. I am asking you in respect of the schooners. Do you expect any claim, or make any claim?—A. Well, I don't know. I made a claim against the United States.

“Q. Are we to understand that you make a claim against Mr. Boscowitz in respect of these schooners or not?—A. That is for the court to decide.

“Q. Do you think if you do not make any claim the court will decide you have a claim? Are you making any claim against the United States Government in respect of these vessels?—A. I am; yes.

“Q. Do you make any claim against Mr. Boscowitz in respect of this business?—A. My business? I gave it to the creditors.

“Q. Do you or have you instructed your assignees?—A. I don't know what the assignees did.

“Q. Have you made any claim, or do you make any claim against Mr. Boscowitz?—A. I don't know, personally, I make any claim against him. I put in so much money that he was to furnish for the outfit.

“COURT. If he makes a claim against the United States it must be a claim in derogation of Mr. Boscowitz's claim, because, whatever befalls, you would suppose he claims enough to pay the mortgages in full. What is the nature of the claim made against the United States—the whole value of the schooners, or only so much as remained after the mortgages were paid off?

“A. I put in what I value the schooners at, and outfit, and I was

under the impression it would stand over until these things were settled—the schooners, hulls, and outfit.

“Q. And cargoes?—A. Yes; I put in claims for the whole thing.

“Q. Including the cargo?—A. Including the cargo.”

Court in session December 16th, 1890.

JOSEPH BOSCOWITZ (commencing on page 143 of the record), in answer to the question, “What was done in 1885?” testified:

“ATTORNEY-GENERAL (to witness). In 1885 and 1886 the schooners went out?

“A. The reason that the charter was started in 1886 was for this purpose: I held the mortgages on the schooners, and no one could take them from me. I had put in about \$40,000.00 or \$50,000.00, and I could not afford to let these schooners go to sea and come back with a cargo and have it seized by his creditors. I took the precaution of chartering these schooners, and that continued right down to the—he was in the same position in 1886 as in 1887, and I was not going to allow his creditors to come and seize my property. That was the reason of the charter—the beginning of it—and it was with his consent.”

I certify that the foregoing extracts from the evidence before the supreme court of British Columbia in the cases of Warren *vs.* Boscowitz and Cooper; of Warren *vs.* Boscowitz *et al.*, by original action, and Boscowitz *vs.* Warren *et als.*, by counterclaim, at different dates from June 4th, 1889, to December 16th, 1890, are true copies of said evidence now in the hands of the registrar of the supreme court of British Columbia, so far as the said extracts pretend to quote said records.

In witness whereof I have set my hand and affixed the seal of the consulate at Victoria, B. C., this 23rd day of November, A. D. 1892.

[SEAL.]

LEVI W. MYERS.

EXTRACTS FROM THE “CASE ON APPEAL” IN THE CASE OF
WARREN ET ALIOS *vs.* BOSCOWITZ ET ALIOS.

Statement of defence of J. Boscowitz (pp. 6, 7).

1. During all the times mentioned in the statement of claim, and continually since, and now and during all the times mentioned in the statement of defence, the plaintiff was and still is the wife of one James Douglas Warren, of the city of Victoria, master mariner.

2. That the said steam vessel, the *Barbara Boscowitz*, was constructed by the said J. D. Warren, and by him registered in the name of J. A. Sayward, who held the said vessel only as a trustee for the said J. D. Warren, and the said vessel was mortgaged to the defendant, Boscowitz, to secure \$30,000 and interest moneys advanced by the defendant, Boscowitz, towards the construction and otherwise on account of the vessel.

3. That besides the said sum of \$30,000 so secured by the said mortgage upon the said steamer *Barbara Boscowitz*, there was at the time of the offer by auction, hereinafter mentioned, a large sum of money due from the said James D. Warren to the defendant, J. Boscowitz, which moneys, together with the said sum of \$30,000, amounts to \$64,503.05, and which said sum of money was also secured by a judg-

ment of the supreme court of British Columbia, dated 17th December, 1885, and also by mortgages over a number of sealing schooners owned by the said J. D. Warren. That on or about the 13th day of February, 1886, the sum of \$30,000, besides an arrear of interest and some other moneys remaining due to the defendant, J. Boscowitz, under the security of the said mortgage, the defendant, J. Boscowitz, offered the said vessel, *Barbara Boscowitz*, for sale at public auction at the city of Victoria, but there being no bidders, one R. S. Byrn, at the request of the said defendant, bought the vessel in. The said defendant was an American subject and could not hold the ship in his own name.

4. At the time of the said auction offer the said James D. Warren was the agent of the defendant, Joseph Boscowitz, and had managed large sealing interests for the said defendant, the result of which had been to considerably reduce the judgment debt owing by the said James D. Warren to the defendant, and for the purpose of holding the said vessel as a security for moneys owing to the said defendant, it was proposed by the said James D. Warren that the steamer should be registered in his wife's name, but on account of difficulty in registration the defendant, Thomas H. Cooper, was sent for, and an account was then struck between the said James D. Warren and the defendant, Joseph Boscowitz, of the moneys remaining owing to the defendant upon his said judgment, and otherwise to the defendant by the plaintiff on account of their business relations, and the defendant being about to leave for England, entrusting his affairs in British Columbia to the agency of the said James D. Warren, it was arranged between the said James D. Warren and the defendants, Boscowitz and Cooper, that all of the vessels, including the said *Barbara Boscowitz*, should be transferred to the name of the said Thomas Henry Cooper, and upon the striking of the said account of the dealings between the defendant, J. Boscowitz, and the said James D. Warren, the sum of thirty-five thousand six hundred and twenty-one dollars and twenty-six cents was found to be the balance due from the said James D. Warren to the defendant, Joseph Boscowitz.

5. The said Thomas Henry Cooper then and there, at the request and direction of the said James D. Warren, executed mortgages to secure forty-one thousand dollars (\$41,000), being the above balance of \$35,621.26 and a further sum of \$5,378.74, then advanced in cash to the said James D. Warren. The mortgages so executed by the said James D. Warren were upon the vessels and for the sums following, that is to say: On the *Barbara Boscowitz*, \$20,000; on the *Grace*, \$6,000; on the *Dolphin*, \$6,000; on the *Anna Beck*, \$5,000; on the *Sayward*, \$2,500; on the *Rustler*, \$1,500; total, \$41,000.

6. The plaintiff took no part in the said transactions, and the same were carried on solely by the said James D. Warren, and the said defendant, T. H. Cooper, had no interest in the property except as a trustee for the said James D. Warren.

7. That since the date of the said mortgage of the said steamer *Barbara Boscowitz*, the defendant, J. Boscowitz, has made advances for repairs insurance, etc., amounting to \$19,500, and has received in all on account of the said steamer the sum of \$11,900, and the interest moneys which were owing to the defendant, Boscowitz, in respect of his said mortgage to the 15th of January, 1889, was \$4,263.15. The steamer is entitled to a credit of \$1,673 for insurance refunds, leaving an actual balance due to the defendant, J. Boscowitz, upon the mortgage security of the said steamer *Barbara Boscowitz*, of \$30,190.15. Save as herein stated the defendant, Joseph Boscowitz, denies each and

every allegation in the statement of claim, and the defendant, Joseph Boscowitz, claims the same benefit as if he had demurred to the statement of claim.

PLEADINGS—COUNTER CLAIM.

Delivered in pursuance of order of the Honorable the Chief Justice, dated 1st May, 1889.

And by way of counter claim the defendant, JOSEPH BOSCOWITZ, repeats the allegations contained in his statement of defense, and further says as follows:

1. In the month of March, 1886, the defendant, Joseph Boscowitz, chartered from the defendant, James Douglas Warren, the said schooners *Grace, Dolphin, Thornton, W. P. Sayward, Anna Beck, and Rustler*, for the purposes of sealing.

2. The defendant, Joseph Boscowitz, fitted out the said schooners at a large expense for the purposes of the said sealing adventure, and sent them to sea under the management of the defendant, James Douglas Warren, and promised him, the said James Douglas Warren, in consideration of the care and attention of the said James Douglas Warren to the concerns of the defendant, Boscowitz, in respect of the said sealing adventure, that he, the said Joseph Boscowitz, would give to the said James Douglas Warren an amount equal to one-half of the profits of the adventure.

3. The said schooner *Thornton* was, during the said season, seized by the Government of the United States States of America for an alleged infraction of international law, having on board at the time a large cargo of valuable sealskins, but the other schooners returned in safety, and the said Joseph Boscowitz, in pursuance of his promise, allowed the defendant, James Douglas Warren, an amount equal to one-half the profits of the adventure, amounting to about the sum of \$17,000.

4. In the year 1887 the defendant, Boscowitz, again chartered from the defendant, James Douglas Warren, the said schooners *Grace, Dolphin, Anna Beck, W. P. Sayward*, and a schooner called the *Mary Taylor*, and after fitting out the said schooners at a large expense, sent them to sea upon a sealing expedition, under the management of the defendant, James Douglas Warren, upon the same promise as that set out in paragraph 2 hereof.

5. The said schooners, except the *Mary Taylor*, were all seized during the said season by the Government of the United States of America for the said alleged infraction of international law.

6. The defendant, Boscowitz, expended during the said season of the year 1887 for supplies, seamen's wages, and other expenses of the said adventure, upwards of the sum of \$33,000.

7. Believing the said seizure to be a wrongful one, the defendant, Boscowitz, joined with certain other persons, whose schooners had also been seized by the said Government, in a claim for compensation for the said seizure.

8. The said claim was formulated and sent forward through the agency of the Dominion Government, and the defendant, James Douglas Warren, at the request of the defendant, Boscowitz, and the said other parties, proceeded to Ottawa to represent their interests and assist in formulating their said claims, and the defendant, Boscowitz, paid for the expenses of the defendant, James Douglas Warren, incident to the said journey and for legal advice, the sum of \$1,200 and upwards.

9. It was distinctly understood and agreed between the defendant James Douglas Warren and the defendant Joseph Boscowitz that the

said claims should be presented in the name and on behalf of the said defendant Boscowitz, but the defendant James Douglas Warren, in breach of the said agreement, presented the claim, in respect of the seizure of all the said schooners except the *Thornton*, in the name and on behalf of the defendant Thomas Henry Cooper, and as to the *Thornton*, the defendant James Douglas Warren presented the said claim, and it still remains in his own name.

ANSWER.

The answer of the defendant (by counter-claim) James D. Warren to the counter-claim of the defendant in the original action herein:

1. In answer to paragraph one of defendant Boscowitz's amended counter-claim in this action, the defendant James D. Warren says that the said Joseph Boscowitz did not charter from this defendant the schooners *Grace*, *Dolphin*, *Thornton*, *W. P. Sayward*, *Anna Beck*, and *Rustler*, as alleged, but says that the said schooners were so chartered for the season of 1886 from one John W. Griffiths, at that time assignee of the estate and effects of said James D. Warren.

DECREE.

THE 23RD DAY OF DECEMBER, A. D. 1890.

The trial of the cause having proceeded before the Hon. Sir Matthew Baillie Begbie, knight chief justice of this honorable court, without a jury, on the 9th, 12th, 13th, 15th, and 16th days of December, 1890, in the presence of the Honorable Attorney-general as of counsel for the said Joseph Boscowitz, and of Mr. Belyea and Mr. Helmcken as of counsel for the other parties hereto, except Thomas Henry Cooper, who did not appear, although duly notified, upon opening and debate of the matter, upon reading the statements of claim and defense, and the certificate of the registrar of this honorable court, dated the 24th day of June, 1889, by which it appears that the matters raised by the said Hannah Warren, in her statement of claim, have already been adjudged and determined adversely to her, and that the matters remaining for consideration are those matters raised by the counter-claim, and the defense thereto by the defendants, Thomas H. Tye, Matthew T. Johnston, and Arthur L. Belyea, dated the 29th day of May, 1889, the defense to the said counter-claim of the defendant Thomas Henry Cooper, dated the 28th day of May, 1889, the defense of the said James D. Warren, dated the 12th day of July, 1889, and the respective joinders of issue of the said Joseph Boscowitz, to the several defenses of the said Arthur L. Belyea, Matthew T. Johnston, and Thomas H. Tye, Thomas Henry Cooper, and James Douglas Warren, upon reading the several proceedings in the cause, including the order dated the 19th day of June, 1889, whereby, after hearing counsel for all the parties hereto, it was ordered that all parties be restrained, until the further order of this court, from receiving from the United States Government, the Canadian Government, or from any minister of either Government, or other minister, officer, or person whomsoever, the whole or any part of the sum of \$203,000.00 (two hundred and three thousand dollars) or thereabouts, or any moneys whatever which may come to be payable by the United States Government in respect of the seizure or confiscation of the schooners *Thornton*, *Grace*, *Dolphin*, *W. P. Sayward*, and *Anna Beck*, and any other property in the counter-claim mentioned, or from in any

manner negotiating for any compensation for, as for settlement or for compromise of the said claims, or any of them, or any other claims in respect of the said seizures and confiscation, and from making any application to the authorities of the United States, or of the Dominion of Canada, for payment to them, or any or either of them, of any part of such moneys.

And further ordering, that James Charles Prevost, the registrar of this honorable court, be appointed receiver of all moneys, with authority to press for a settlement of the claims, to receive all moneys in respect thereof, and to execute proper discharges therefor, and including the order dated the 15th day of February, 1890, directing the taking of certain accounts before the registrar; the order dated the 10th day of July, 1890, wherein, after referring to the certificate of the registrar and directing the same to be varied, as by the said order dated the 10th day of July, 1890, is directed. It is declared and adjudged that subject to a credit of \$49,841.68 (forty-nine thousand eight hundred and forty-one dollars and sixty-eight cents) by the said last-mentioned order directed to be allowed, and subject also to an enquiry thereby directed to be taken as to certain additional credits, the said Joseph Boscowitz was entitled to recover against the said James Douglas Warren, in respect of the matters in the counter-claim mentioned, the sum of \$118,674.85 (one hundred and eighteen thousand six hundred and seventy-four dollars and eighty-five cents); and also declaring and adjudging that no disbursements had been made by the said Thomas Henry Cooper for or on account of the sealing adventure in the paragraphs mentioned, and the said Thomas Henry Cooper was entitled to no allowance as against the said Joseph Boscowitz, and including the order dated the 16th day of August, 1890, whereby as a result of any enquiry into and adjudication by the judge into all off-sets, cross-claims, and demands by the said James Douglas Warren against the said Joseph Boscowitz in reduction of the said sum of \$118,674.85 (one hundred and eighteen thousand six hundred and seventy-four dollars and eighty-five cents) found to be due to the said Joseph Boscowitz by the said order of the 10th day of July, 1890, the said James Douglas Warren and his assignees were, in addition to the sum of \$49,841.68 (forty nine thousand eight hundred and forty-one dollars and sixty-eight cents) already allowed by the said last-mentioned order, entitled to be allowed credit for sums amounting in the aggregate to \$30,977.25 (thirty thousand nine hundred and seventy-seven dollars and twenty-five cents), and adjudging that all other accounts and claims by the said James Douglas Warren and his assignees should be disallowed, excepting the claims in respect to the schooners *Teresa*, *Rustler*, and *Thornton*, which it was ordered should be referred to the registrar for report, and without prejudice to any application which the said James Douglas Warren might be advised to make to open up the settled accounts in the proceedings referred to of \$41,000.00 (forty-one thousand dollars) for the purpose of surcharging the sum of £238 12 0 (two hundred and thirty-eight pounds twelve shillings) claimed by the said James Douglas Warren to be due him from the said Joseph Boscowitz for a refund of insurance in respect of the schooner *Pilot*, in the year 1885, and including the certificate or report of the registrar, dated the 14th day of November, 1890, whereby it is found that the said James Douglas Warren ought to be allowed further credits as against the said sum of \$118,674.85 (one hundred and eighteen thousand six hundred and seventy-four dollars and eighty-five cents); that is to say: In respect of the schooner *Teresa* the sum of \$3,169.33 (three thousand one hundred and sixty-nine dollars and thirty-three cents), and in

respect of the *Rustler* the sum of \$2,805.06 (two thousand eight hundred and five dollars and six cents), and finding that the said James Douglas Warren was entitled to no credits as against the said Joseph Boscowitz in respect of the *Thornton* and disallowing such claim; and upon hearing read the evidence of the said James Douglas Warren, given before me on the 13th day of February, 1889, in Chambers, the viva voce evidence adduced and documents produced by the parties, respectively, at the trial, together with all the accounts, books of account, and documents on file, and heretofore in the course of the litigation deposited in court by the parties, and having, by request and consent of the parties, had reference to the documents and exhibits contained in the printed case upon appeal from the full court of the supreme court of British Columbia to the supreme court of Canada of Saunders & al. v. Boscowitz, a copy of which is filed with the papers herein, his lordship was pleased to direct that the cause should stand for judgment, and the cause coming on for judgment this day in presence of the parties, by their counsel aforesaid, his lordship doth find that sometime before the month of March, 1886, the schooners *Grace*, *Dolphin*, *Thornton*, half of the *W. P. Sayward*, the *Anna Beck*, and *Rustler*, were the property of the said James Douglas Warren, subject to certain mortgages thereon in favor of the plaintiff, Joseph Boscowitz, and that the said schooners (subject to the said mortgages), having become the property of John Griffiths, by virtue of an assignment for the benefit of creditors dated 18th day of September, A. D. 1885, were chartered from the said John Griffiths by the plaintiff for the purpose of sealing, were fitted out by the plaintiff for the purpose of sealing adventure, and were by the plaintiff sent to sea under the management of the said James Douglas Warren, to whom the said Joseph Boscowitz promised that, in consideration of the care and attention of the said James Douglas Warren to the concerns of the plaintiff in respect of the said sealing adventure, that he, the said plaintiff, would give to the said James Douglas Warren an amount equal to one-half of the net profits of the adventure.

That the schooner *Thornton* was, during the sealing season of 1886, seized by the Government of the United States for an alleged infraction of international law, together the cargo of sealskins, but that the other schooners returned in safety, and the said Joseph Boscowitz, in pursuance of his promise, allowed the said James Douglas Warren in account an amount equal to one-half of the profits of the adventure.

And this court doth further find that the remaining vessels, that is to say, the *Grace*, *Dolphin*, *Anna Beck*, and the one-half of the *W. P. Sayward*, were offered for sale and were sold by the said Joseph Boscowitz in the month of October, 1886, under the power of sale in the mortgages, to the defendant Thomas Henry Cooper, who purchased them as a trustee for the said defendant James Douglas Warren, but had no beneficial interest in the said vessels himself, and that the said Joseph Boscowitz chartered or hired the said vessels, and also the schooner *Mary Taylor*, from the said Thomas Henry Cooper, and in the year 1887 sent them upon a sealing voyage in charge of the defendant, James Douglas Warren, and agreed to give to the said James Douglas Warren, in consideration of his services in the premises, an amount equal to one-half of the net profits of the adventure; and that the vessels *Grace*, *Dolphin*, *Anna Beck*, and *W. P. Sayward* were, in that same year, 1887, seized by the United States authorities, together with the cargoes of seals on board, but the said *Mary Taylor* returned home with a cargo of seals which were received and sold by the said Joseph Boscowitz.

And this court doth declare and adjudge that for supplies and

moneys paid by the said James Douglas Warren to and for and on account of the said Joseph Boscowitz in respect of the said sealing adventure, and for and in respect of all matters which, upon the accounts between them, the said James Douglas Warren is entitled to claim as against the said Joseph Boscowitz, he is entitled to a credit of \$86,792.87 (eighty-six thousand seven hundred and ninety-two dollars and eighty-seven cents) to be deducted from the said sum of \$118,674.85 (one hundred and eighteen thousand six hundred and seventy-four dollars and eighty-five cents) due to the said Joseph Boscowitz, and that for the balance or sum of \$31,881.98 (thirty-one thousand eight hundred and eighty-one dollars and ninety-eight cents) the said Joseph Boscowitz is entitled to judgment against the said James Douglas Warren, and which judgment this court doth pronounce accordingly:

And this court doth further order and adjudge that the powers of the said James Charles Prevost, as receiver under the order of the 19th day of June, 1889, be continued until the further order of this court.

And this court doth further order that the receiver, if and whenever he shall recover or receive any moneys in respect of the claim against the United States Government for the seizures aforesaid, shall forthwith file an account in chambers specifying the following particulars:

(a) What portion of such moneys is allowable as compensation for the seizure of the schooners, including their wages and outfit, but not including cargoes?

(b) What sum is allowable for the cargoes?

And this court doth declare that such moneys ought to be applied, firstly, in payment to the said Joseph Boscowitz of the interest moneys due up to the 3rd day of March, 1890, secured by the respective mortgages of the schooners; secondly, in payment to him of the interest moneys accruing since the said 3rd day of March, 1890; thirdly, in payment to him, the said Joseph Boscowitz, of the sum of \$17,000.00 (seventeen thousand dollars), being the principal secured by the said mortgages upon the schooners *Grace*, *Dolphin*, and *Anna Beck*; fourthly, in payment of the sum of \$31,881.98 (thirty-one thousand eight hundred and eighty-one dollars and ninety-eight cents), after deducting thereout the respective moneys firstly and secondly hereinbefore mentioned; fifthly, in payment to the said Joseph Boscowitz of the interest moneys accruing since the 3rd day of March, 1890, upon \$8,294.00 (eight thousand two hundred and ninety-four dollars), being the difference between the moneys secured by mortgage upon the *Barbara Boscowitz*, together with interest, and the amount, clear of expenses, realized by the said Joseph Boscowitz by her sale; and lastly, in payment to the defendants Matthew T. Johnston, Thomas H. Tye, and Arthur L. Belyea of the remainder (if any) of the said moneys, after making the deduction firstly, secondly, thirdly, fourthly, and fifthly hereinbefore mentioned.

And it is also declared that as to so much of the said compensation moneys as shall be allowed in respect of cargoes, the said registrar shall take an account of all claims (if any) against the said cargoes by hunters or other parties and also of the amount already realized by the said Joseph Boscowitz on account of the said sealing adventure, and subject to his accounting for one-half of what shall be found to have been so received, shall then allow and pay to the said Joseph Boscowitz the sum of \$38,416.52 (thirty-eight thousand four hundred and sixteen dollars and fifty-two cents) in repayment of his advances

towards the sealing business, and shall then pay one half the said compensation, allowable in respect of the catch of seals, to the said Joseph Boscowitz, together with an amount equal to any moneys which may remain owing to him, the said Joseph Boscowitz, in respect of the matters hereinbefore firstly, secondly, thirdly, fourthly, and fifthly declared to be payable to him, the said Joseph Boscowitz; and as to the other moiety (subject to the said moneys which may be due to the said Joseph Boscowitz) shall pay the same to the said Matthew T. Johnston, Thomas H. Tye, and Arthur L. Belyea;

And this court doth hereby award a perpetual injunction to restrain the parties to this suit, and every of them, and each and every of their agents, attorneys, and solicitors, from receiving from the United States Government, the Canadian Government, or from any minister or officer of either Government, or other minister, officer, or person whomsoever, the whole or any part of the sum of \$203,000.00 (two hundred and three thousand dollars), or thereabouts, or any moneys whatsoever which may come to be payable by the United States Government in respect to the seizure and confiscation of the schooners *Thornton*, *Grace*, *Dolphin*, *W. P. Sayward*, and *Anna Beck*, and the cargoes thereof, and other property in the counter-claim mentioned, or from in any way negotiating for any compensation for, or for settlement or compromise of the said claims, or any of them, or any other claim in respect of the said seizures and confiscation, and from making any application to the authorities of the United States, or of the Dominion of Canada, for payment to them, or any or either of them, of any part of such moneys;

And it is lastly adjudged that the said Joseph Boscowitz do recover his costs of this suit as against the said James Douglas Warren, and that each and every other party to this suit do bear his and their own costs thereof.

MATT. T. BEGBIE, C. J.

SPECIAL PROCEEDING INSTITUTED IN REGARD TO CERTAIN CLAIMS AGAINST THE UNITED STATES.

DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF CALIFORNIA.

In the matter of the claims of certain British subjects for compensation from the United States Government on account of seizures of British Canadian sealers, pending in the State Department of the United States.

Be it remembered that on this 17th day of November, A. D. 1892, at my office, room 64, in the United States appraiser's building, in the city of San Francisco, personally appeared before me, James S. Mapley, a commissioner to take acknowledgments of bail and affidavits, etc., duly appointed by the circuit court of the United States for the ninth circuit and northern district of California, Thomas H. Cooper, a witness on behalf of the United States in the above-entitled matter.

Robert Lausing, esq., and Charles A. Shurtleff, assistant United States attorney, appeared as attorneys for the United States.

And the said witness, having been by me first cautioned and sworn to testify to the truth, the whole truth, and nothing but the truth in

the case aforesaid, did thereupon depose and say as follows, that is to say:

THOMAS H. COOPER, called on behalf of the United States, sworn.

Mr. LANSING: Q. What is your name, age, residence, and occupation?—A. My name is Thomas H. Cooper; age, 56; residence, northeast corner of Laurel and Sacramento streets, San Francisco; occupation, blacksmith. *Experience.*

Q. How long have you been a resident of San Francisco?—A. Thirty-three years.

Q. Are you an American citizen?—A. No, sir.

Q. You have never been naturalized?—A. Never.

Q. You have been the owner of several vessels which have been engaged in sealing?—A. Yes, sir; they are in my *Nominal owner of the name, I presume.*

Q. They were in your name?—A. Yes, sir. *"Sayward," "Thornton,"*

Q. What were the vessels of which you were the owner?—A. To tell you the truth, I know very little about them. They were sold at sheriff's sale up there, and I bought them for one dollar. I was advised to do so by Captain Warren. *"Anna Beck," "Dolphin,"*

Q. Up where?—A. Up in Victoria. *"Grace," and "Onward."*

Q. What were the names of the vessels?—A. I really couldn't tell. There was the *Sayward* and one was called the *Thornton*.

Q. Can you give the names of the other vessels?—A. I can not give the names.

Q. Would you know them if they were repeated to you?—A. Yes, sir; I would know some of them.

Q. The *Anna Beck*?—A. Yes, sir.

Q. The *Dolphin*?—A. Yes, sir.

Q. The *Grace* or *Gracey*?—A. Yes, sir; I think so.

Q. And the *Onward*?—A. I was only up there a week or two. I know very little about them, and I have not been interested in them since.

Q. Will you state how you came to purchase these vessels?—A. By the advice of my brother-in-law, Captain Warren. He was to manage them. He had my power of attorney to manage them, and he knows all about them. *How ownership acquired.*

Q. And you paid one dollar for them?—A. No, sir; I paid one dollar for the whole lot.

Q. For the whole lot?—A. I think so.

Q. When was this?—A. In 1886.

Q. When you made the purchase they were sold under a mortgage?—A. I believe so.

Q. Who held the mortgage?—A. A man by the name of Boskowitz.

Q. What is his first name?—A. Joseph, I think; Joseph Boskowitz.

Q. How many vessels did you purchase for one dollar?—A. I couldn't tell you; I bought them all.

Q. Were those mortgages ever paid on those vessels?—A. I really couldn't tell you that.

Q. Were you the sole owner of these vessels?—A. I bought them for one dollar, I believe.

Q. All of them?—A. Yes, sir. I suppose they were subject to a mortgage. I couldn't tell you that.

Q. Did you buy these vessels for yourself?—A. I was advised to buy

them by Captain Warren, and he was to manage them, and I have paid very little attention to them.

Q. Did you pay the dollar?—A. Yes, sir; I authorized him to do it. I was not there.

Q. Subsequent to the purchase of these vessels did Boskowitz hold a mortgage on them?—A. I believe so.

Q. For the full value?—A. I couldn't tell you that. I really don't know whether it was a dollar or a million dollars.

Q. You do not know the amount of the mortgage?—A. No, sir.

Q. Did you give the mortgage to him?—A. I believe I renewed the mortgage. I know I signed a lot of papers. I was so little interested that I don't know what I signed exactly.

Vessels remortgaged to Joseph Boskowitz.

Q. If you purchased these vessels for one dollar at the sheriff's sale, and those mortgages were renewed in your name as mortgagor, they were certainly mortgaged, were they not, for their full value?—A. I could not tell you that.

Mr. SHURTLEFF: Q. Is it not a fact, Mr. Cooper, that you purchased those vessels for Boskowitz?—A. I could not tell you. They were both there and they told me it was a matter of form, and I would not be troubled any more.

Q. You just did as they directed you to do?—A. Exactly.

Q. You had no interest in them whatever?—A. No, sir; none.

Mr. LANSING: Q. You have no interest in the vessels now?—A. No, sir.

Q. None at all?—A. Only they are in my name and I was told to keep them in my name.

Q. For what purpose was that done?—A. I could not tell you.

Q. There must have been some talk about it?—A. Yes, sir; but they did not tell me anything.

Q. You had some conversation in relation to it?—A. Not with them I did not.

Q. With whom did you have a conversation?—A. I have heard from hearsay—I have heard people say he was in debt to some one else.

Q. Boskowitz?—A. No, sir; Warren.

Q. Warren did not advance any money on these to Boskowitz?—A. I bought them for one dollar.

Q. Did Warren advance any money to Boskowitz on these vessels?—A. I could not tell you that.

Q. Was it not a fact, Mr. Cooper, that those were taken out in your name for Mr. Boskowitz?—A. No, sir.

Q. Do you recollect a suit that took place in Victoria in which you were one of the defendants with Mr. Boskowitz?—A. No, sir; there might have been a dozen suits, but I don't know.

Q. In which Mr. Warren was plaintiff and in which it appeared that Mr. Boskowitz was the real owner of the vessels, and that Mr. Warren was paid by him for managing those vessels?—A. I don't know anything about that.

Q. You have never paid any money for the management of those vessels?—A. No, sir.

Q. You have never advanced a cent other than that dollar which you told Warren to pay?—A. Warren has my power of attorney, and I don't know what he has advanced; I don't know anything about it.

Q. You never advanced to Warren any money for these vessels?—

A. No, sir; I have never advanced to Warren any money for these vessels, but I don't know what he has done.

Q. Did you ever receive any remuneration from the earnings of these vessels?—A. No, sir.

Q. You have never received any share of any kind?—A. No, sir.

Q. Have you ever been called upon to advance any money?—A. No, sir.

Q. For the payment of those vessels?—A. No, sir.

Q. Have you ever made any enquiries as to the earnings of those vessels?—A. No, sir.

Q. Or whether it was necessary for you to advance any money?—A. No, sir.

Q. And do you now claim any interest in those vessels?—A. No, sir; no more than I hold them *Claims no interest in said vessels.* for Mr. Warren.

Q. For what purpose do you hold them?—A. That was the agreement between Warren and the other man.

Q. That you were to hold them?—A. I was to hold them, and Mr. Warren was to have possession of them.

Q. And have the management of them?—A. Yes, sir.

Q. And Mr. Boskowitz was to be the moneyed man?—A. I couldn't tell you that.

Q. There must have been some understanding?—A. There might have been. I just signed the papers and that is all I know about it. I was told to keep them.

Q. Who was the owner prior to your purchase of these vessels?—A. I could not tell you that. I think Warren, but I am not sure.

Q. You are not sure who was the owner?—A. No, sir.

Q. Who was the holder of the mortgage?—A. It must have been Boskowitz.

Q. Boskowitz was the holder of the mortgage?—A. Yes, sir.

Q. Is it not a fact that Mr. Warren made an assignment in 1886?—A. I don't know that.

Q. You do not know that he was in financial difficulties?—A. No, sir. I heard he was, afterwards, but I did not know.

Q. When was it that he got into financial trouble?—A. I couldn't tell you that. I guess he is in them yet. I don't know.

Q. Was there any arrangement that you know of between Mr. Warren and Mr. Boskowitz as to these vessels?—A. I don't know the least thing about it in that respect. I simply signed the papers.

Mr. SHURTLEFF: Q. You simply did as Mr. *Simply acted as Warren* Warren told you?—A. Yes, sir; and the other *and Boscowitz requested.* man, too.

Q. Who is the other man?—A. Boskowitz; and I came away, and that is all I know about it. I have heard lots of things. I heard I gave a mortgage for half of Victoria, but of course that was hearsay.

Mr. LANSING: Q. You do not recollect the amount of those mortgages?—A. Not at all. I don't believe I read them. I know I did not.

Q. Is it not a fact, Mr. Cooper, that your name was used in this matter simply to cover up some dealings between Mr. Boskowitz and Mr. Warren?—A. I couldn't tell you what the arrangements were.

Q. You never knew anything about it?—A. I never knew anything about it.

Q. You simply did this at the request of Mr. Warren?—A. I simply did it at the request of Mr. Warren.

Q. And you really have no interest in these vessels at all?—A. No, sir.

Q. None at all?—A. No, sir.

Q. Mr. Cooper, if there was any understanding or agreement between Mr. Warren and Mr. Boskowitz, you were entirely ignorant of it?—A. Yes, sir; exactly.

Q. You simply did this at the request of these gentlemen?—A. Yes, sir.

Q. Without knowing for what purpose it was done?—A. Yes, sir.

Q. Do you know anything about a claim being *Does not know whether any put in for you against the Government of the claim was put in for him.* United States?—A. No, sir.

Q. In relation to the seizure of these vessels?—A. No, sir.

Q. Have you any such claim? Have you any claim against the United States Government for the seizure of these vessels?—A. I don't know. They are in my name, and I suppose the vessels have a claim.

Q. Have you any claim yourself?—A. No further than they are in my name.

Q. You have not really any claim against the Government?—A. I couldn't say.

Mr. SHURTLEFF: Q. Have you ever signed any claim yourself?—A. No, sir.

Q. Or ever authorized any one to sign one for you?—A. Captain Warren has my power of attorney. I don't know what he has done.

Q. Did you ever specifically instruct him in so many words to present a claim?—A. To do as he pleased. I don't know what he has done.

Mr. LANSING: Q. Have you any claim against the Government of the United States?—A. I don't know. Those vessels are in my name, and I suppose the vessels have got a claim.

Q. A vessel can not well have a claim.—A. The vessels were taken, I suppose.

Q. Have you any claim from which you expect to derive any money?—A. I expect the vessels will derive the money.

Q. You cannot pay money to a vessel. The vessels have gone up—some of them?—A. Captain Warren has got my power of attorney, and it is all in his hands, and I leave it to him. I am not a lawyer and not a ship owner.

Mr. SHURTLEFF: Q. Do you expect, in the event of any claim being allowed by the Government, that you will receive the money?—A. I suppose I would get paid my expense for my trouble.

Q. For the use of your name?—A. Not for the use of my name; for my trouble.

Q. Have you ever advanced or paid out any money for legal expenses in connection with the seizure of those vessels?—A. No, sir. I have not paid any out of my own pocket. I paid my own expenses going up and down. *Has incurred no expenses in connection with seizures.*

Q. Your expenses to Victoria?—A. Yes, sir; my expenses to Victoria and return. I never kept any account of them, as I did not expect to get them back.

Q. Did you ever pay out, or authorize to be paid out, any money for

the transportation of the crews of these vessels from Sitka down?—A.
No, sir.

I further certify that the said deposition of Thos. H. Cooper was taken down in short-hand and transcribed into type-writing, and after having been so transcribed was read over by the witness and by him pronounced to be correct.

In witness whereof I have hereunto set my hand this 18th day of November, 1892.

[SEAL.]

(Signed)

J. S. MANLEY,

Commissioner U. S. Circuit Court, Northern District of California.

LIBELS FILED AGAINST SEALING VESSELS.

UNITED STATES OF AMERICA,
OFFICE OF THE SOLICITOR OF THE TREASURY,
Washington, December 20, 1892.

Pursuant to section 883 of the Revised Statutes of the United States, I hereby certify that the annexed statement contains a list of all libels filed under section 1956, R. S., in U. S. courts, in the Territory of Alaska, since Aug. 27, 1886, so far as reported by U. S. attorney to this office. I also certify that it is the duty of U. S. attorneys to report such suits to this office.

In witness whereof I have hereunto set my hand and caused the seal of the office of the Solicitor of the Treasury to be affixed, on the day and year first above written.

[SEAL.]

W. P. HEPBURN,
Solicitor of the Treasury.

Court docket No.	Against whom or what.	Form and cause of action. (Section of Statutes, or act of Congress, where it can be given.)	When commenced.	Judgment, decree, or fine.	Date.	Return of execution.—General remarks as to the condition of the suit, etc. (The district attorney will note specially, in cases of continuance, the causes thereof, and what is necessary to prepare the case for trial.)
	ALASKA.					
B.....	Schr. "Onward," &c.	Section 1956 R. S.	Aug. 28, 1886	Condemnation....	Oct. 4, 1886	Sale rescinded by court Mch. 25, '87, by order of Att'y General.
B.....	Schr. "Thornton," &c.	do	do	do	do	Do.
B.....	Schr. "Carolina," &c.	do	do	do	do	Do.
A.....	Schr. "San Diego," &c.	do	do	do	do	Cargo sold for \$2,534.50.
B.....	Schr. "Dolphin," and 618 skins.	do	do	do	do	Cargo sold for \$2,629.20.
B.....	Schr. "Grace," and 769 skins.	do	do	do	do	New trial granted.
A.....	Schr. "Lilly L," and 197 skins.	do	Sept. 13, 1887	do	Oct. 11, 1887	Cargo sold for \$1,159.20.
B.....	Schr. "Anna Beck," and 336 skins.	do	do	do	do	Cargo sold for \$6,087.25.
B.....	Schr. "Adda," and 1,876 skins.	do	do	do	do	Appeal taken. Decree affirmed by Sup. Ct.
B.....	Schr. "W. P. Sayward," and 477 skins.	do	do	do	do	New trial granted.
A.....	Schr. "San Jose," and 891 skins.	do	do	do	do	New trial granted.
A.....	Schr. "Annie," and 304 skins.	do	Sept. 13, 1887	do	Oct. 3, 1887	New trial granted.
A.....	Schr. "Allie J. Algr," and 1,594 skins.	do	Sept. 14, 1887	do	do	New trial granted.
A.....	Schr. "Alpha," and 359 skins.	do	do	do	do	Cargo sold for \$1,419.85. Boats \$410.
A.....	Schr. "Kate and Anna," and 577 skins.	do	do	do	do	New trial granted.
B.....	Schr. "Alfred Adams," and 1,379 skins.	do	do	do	do	Cargo sold for \$4,550.70.
A.....	Schr. "Ellen," and 195 skins.	do	do	do	Oct. 3, 1887	Sold for \$1,639.10. On Feb. 28, '89, \$1,361.79 paid to collector at Sitka.
A.....	Schr. "Sylvia Handy," and 1,679 skins.	do	do	do	do	Appeal taken. Decree affirmed by Sup. Ct.
B.....	Schr. "Angel Dolly," and 178 skins.	do	Sept. 15, 1887	do	Sept. 22, 1887	New trial granted.
B.....	76 skins, &c., Black Diamond, schr.	do	Dec. 10, 1887	do	June 9, 1888	Skins sold for \$672.
B.....	418 skins, &c., Minnie, schr.	do	Sept. 14, 1889	do	Sept. 28, 1889	Skins sold for \$4,004.50.
B.....	853 skins, &c., Pathfinder, schr.	do	do	do	do	Skins sold for \$8,870.62.
A.....	171 skins, &c., James G. Swan, schr.	do	do	do	do	Skins sold for \$1,621.50.
B.....	620 skins, Juanita, schr.	do	do	do	do	Skins sold for \$3,987.25.
B.....	333 skins, Lily, schr.	do	do	do	do	Skins sold for \$3,100.50.
A.....	Schr. "Mattie T. Dyer,"	do	do	do	do	Dismissed Aug. 16, '90, on motion of U.S. Atty.
A.....	Schr. "La Ninfa,"	do	July 31, 1890	do	do	Appeal taken.
A.....	Schr. "Ethel,"	do	Aug. 11, 1891	do	do	Sold for \$3,633.25.
A.....	St. schr. "Challenge"	do	do	Condemnation....	Oct. 1, 1891	
A.....	Str. "Jennie,"	do	do	do	do	
A.....	Schr. "Lettie,"	do	Apr. 29, 1892	do	do	
A.....	Schr. "Kodiak,"	do	June 13, 1892	do	July 5, 1892	

B British.

A American.

APPRAISEMENTS OF SEALING VESSELS.

DISTRICT OF ALASKA, CLERK'S OFFICE,
Sitka, Alaska, October 15, 1892.

To the

Honorable SECRETARY OF STATE,
Washington, D. C.:

DEAR SIR: Referring to your telegram of September 17, 1892, to the hon. collector of customs, Port Townsend, Wash., and by him forwarded to this office, I desire to say that the certified copy of the appraisal values of vessels seized, 1886-1890, in tabulated form, forwarded to your Department October 3, 1892, is incorrect. I have therefore prepared certified copies in full of all the appraisements of such vessels and cargoes on file and of record in my office, which, together with a correct tabulated statement of such appraisal values, I herewith enclose.

Very respectfully,

N. R. PECKINPAUGH,
Clerk.

To the

Hon. LAFAYETTE DAWSON,
Judge of the United States District Court, District of Alaska:

We, the undersigned, appointed and sworn this 16th day of August, A. D. 1887, to appraise and value the schooner *San Diego*, her tackle, apparel, furniture, and boats, and such portion of her cargo as may be in this port and can be viewed, report as follows:

We appraise and value said schooner, her tackle, rigging, and apparel at seven hundred and sixty-six dollars (\$766.00); her furniture at one hundred and sixty-five dollars (\$165.00); her four boats, oars and oarlocks at two hundred dollars (\$200.00); her salt ten dollars (\$10.00); in all, the sum of eleven hundred and forty-one dollars (\$1,141.00).

Dated at Sitka, Alaska, this 16th day of August, A. D. 1887.

JOHN G. BRADY,
W. R. MILLS,
J. M. VANDERBILT,
Appraisers.

THE UNITED STATES OF AMERICA,
District of Alaska, ss:

I, N. R. Peckinpaugh, clerk of the United States district court for the district of Alaska, do hereby certify that the foregoing copy of the appraisal of the schr. *San Diego*, her tackle, apparel, furniture, boats, and cargo has been by me compared with the original, and that it is a

correct transcript therefrom and of the whole of such original, as the same appears of record on file at my office and in my custody.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at Sitka, in said district, this 15 day of October, 1892.

[SEAL.]

N. R. PECKINPAUGH,
Clerk.

SITKA, ALASKA, *September 20, 1887.*

The undersigned having been appointed appraisers by the Hon. Lafayette Dawson, judge of the U. S. court for the district of Alaska, to appraise the value of the sch. *Sylvia Handy*, apparel, furniture, and stores, beg to state that we value the said vessel, including apparel, furniture, and stores, at forty-three hundred and fifty dollars (\$4,350.00).

REUBEN ALBERSTONE.

W. R. MILLS.

J. M. VANDERBILT.

(Endorsed:) In the United States district court for the dist. of Alaska. Appraisers' report. Filed Sept. 22d, 1887. H. E. Haydon, clerk. By A. A. Meyer, deputy clerk.

THE UNITED STATES OF AMERICA,

District of Alaska, ss:

I, N. R. Peckinpaugh, clerk of the United States district court for the district of Alaska, do hereby certify that the foregoing copy of the appraisement of the sch. *Sylvia Handy*, her apparel, furniture, and stores has been by me compared with the original, and that it is a correct transcript therefrom and of the whole of such original, as the same appears of record on file at my office and in my custody.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at Sitka, in said district, this 15 day of October, 1892.

[SEAL.]

N. R. PECKINPAUGH,
Clerk.

SITKA, ALASKA, *September 10, 1887.*

The undersigned having been appointed appraisers by the Hon. Lafayette Dawson, judge of the U. S. court for the district of Alaska, to appraise the value of certain vessels, together with their apparel, furniture, and stores, beg to submit the following report:

Sch. <i>Challenge</i>	\$3,600.00
Sch. <i>W. P. Sayward</i>	4,894.50
St. sch. <i>Grace</i>	10,404.00
St. sch. <i>Dolphin</i>	7,750.00
St. sch. <i>Annie Beck</i>	2,600.00
Sch. <i>Alice J. Alger</i>	5,408.00
Sch. <i>Annie</i>	1,170.50
Sch. <i>Lilly L</i>	1,784.80

J. M. VANDERBILT.

REUBEN ALBERSTONE.

J. E. LENNAN.

(Endorsed:) In the United States district court, district of Alaska. Appraisers' report. Filed September 12, 1887. H. E. Haydon, clerk. By A. A. Meyer, deputy clerk.

THE UNITED STATES OF AMERICA,

District of Alaska, ss:

I, N. R. Peckinpaugh, clerk of the United States district court for the district of Alaska, do hereby certify that the foregoing copy of the appraisement of the following vessels, viz, schr. *Challenge*, schr. *W. P. Sayward*, st. schr. *Grace*, st. schr. *Dolphin*, st. schr. *Anna Beck*, schr. *Allie I. Algar*, schr. *Annie*, schr. *Lilly L.*, has been by me compared with the original, and that it is a correct transcript therefrom and of the whole of such original, as the same appears of record on file at my office and in my custody.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at Sitka, in said district, this 15 day of October, 1892.

[SEAL.]

N. R. PECKINPAUGH,

Clerk.

SITKA, ALASKA, *September 13, 1887.*

The undersigned having been appointed appraisers by the Hon. Lafayette Dawson, judge of the U. S. court for the district of Alaska, to appraise the value of certain vessels, together with their apparel, furniture, and stores, beg to submit the following report:

Sch. <i>Ada</i>	\$2,900.00
Sch. <i>Alpha</i>	800.00
St. sch. <i>Kate and Annie</i>	1,250.00

REUBEN ALBERSTONE.

J. M. VANDERBILT.

W. R. MILLS.

(Endorsed:) In the United States district court for the district of Alaska. Appraisers' report. Filed September 13, 1887. H. E. Haydon, clerk. By A. A. Meyer, deputy clerk.

THE UNITED STATES OF AMERICA,

District of Alaska, ss:

I, N. R. Peckinpaugh, clerk of the United States district court for the district of Alaska, do hereby certify that the foregoing copy of the appraisement of the following vessels, viz: Schr. *Ada*, Schr. *Alpha*, st. Schr. *Kate and Annie* has been by me compared with the original, and that it is a correct transcript therefrom and of the whole of such original, as the same appears of record on file at my office and in my custody.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at Sitka in said district this 15 day of October, 1892.

[SEAL.]

N. R. PECKINPAUGH,

Clerk.

SITKA, ALASKA, *April 19, 1888.*

To the

Honorable DISTRICT COURT FOR THE DISTRICT OF ALASKA:

The undersigned appraisers appointed by your honorable court and sworn to appraise the value of the fur seal skins seized from certain vessels now in the custody of the United States marshal, ordered

to be sold on or after April 18th, 1888, beg to state that they have appraised the value of said seal skins as follows, to wit:

Steam schooner <i>Dolphin</i> :	
64 sacks supposed to contain 618 salted sealskins.....	\$3, 049. 50
Schooner <i>Alfred Adams</i> :	
139 sacks supposed to contain 1,379 salted sealskins.....	6, 888. 75
Schooner <i>Alpha</i> :	
39 sacks supposed to contain 389 salted sealskins.....	1, 912. 25
Steam schooner <i>Anna Beck</i> :	
34 sacks supposed to contain 336 salted sealskins.....	1, 650. 25
Schooner <i>Lottie Fairfield</i> :	
45 sacks supposed to contain 443 salted sealskins.....	2, 033. 25
Schooner <i>W. P. Sayward</i> :	
50 sacks supposed to contain 477 salted sealskins.....	2, 374. 25
Steam schooner <i>Grace</i> :	
78 sacks supposed to contain 769 salted sealskins.....	3, 842. 25
Schooner <i>Ada</i> :	
191 sacks supposed to contain 1, 876 salted sealskins.....	9, 394. 00

Making a total of 640 sacks supposed to contain 6,287 pelts, and total appraised value of said property amounting to 31, 144. 50

The undersigned appraisers have likewise appraised the following arms and ammunition of the schooner *Alfred Adams*, to wit: 7 double barreled shot guns, 3 rifles, 2 muskets, 3½ kegs of powder, 259 shells, loaded; 190 shells, empty; 110 cartridges (44 cal.); 79 cartridges (45 cal.); 54 cartridges, small, and 500 primers, the total appraised valuation of which is herewith submitted at \$125.00.

All of which is respectfully submitted.

Dated April 19, 1888.

JEFF J. KUEHN.

GEORGE KOSTROMETINOFF.

EDWD. CHAMBERLAIN.

Endorsed: Filed in open court April 19, 1888. H. E. Haydon, clerk.

THE UNITED STATES OF AMERICA,
District of Alaska, ss:

I, N. R. Peckinpaugh, clerk of the United States district court for the district of Alaska, do hereby certify that the foregoing copy of the appraisement of fur-sealskins and arms seized from the following vessels, viz: Str. Schr. *Dolphin*, Schr. *Alfred Adams*, Schr. *Alpha*, St. Schr. *Anna Beck*, Schr. *Lottie Fairfield*, Schr. *W. P. Sayward*, St. Schooner *Grace*, Schr. *Ada*, has been by me compared with the original and that it is a correct transcript therefrom and of the whole of such original, as the same appears of record on file at my office and in my custody.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at Sitka, in said district, this 15 day of October, 1892.

[SEAL.]

N. R. PECKINPAUGH,

Clerk.

In the United States district court in and for the district of Alaska.

THE UNITED STATES

vs.

STEAM SCHOONER KATE AND ANNA.

} No. 89. Stipulation.

It is hereby agreed and stipulated between W. M. Grant, United States district attorney for and in behalf of the United States, plaintiff above named, and M. P. Berry, proctor for claimant, defendant,

that the appraisement heretofore made and accepted by duly authorized and sworn appraisers of this court of certain fur-seal skins, at this time in the custody of this court, that the same appraisement of value of 577 fur-seal skins, the cargo of the above named vessel at this time in custody of the United States marshal of this court, be the same per skin in value as the appraisement formerly made, to wit: 577 fur-seal skins, appraised at two thousand eight hundred and eighty-five (2,885.00) dollars.

Done at Sitka, March 23, 1888.

WHIT M. GRANT,
United States Atty.
M. P. BERRY,
Proctor for Claimant.

THE UNITED STATES OF AMERICA,
District of Alaska, ss:

I, N. R. Peckinpaugh, clerk of the United States district court for the district of Alaska, do hereby certify that the foregoing copy of the stipulation for the appraised value of the cargo of the St. Schr. *Kate and Ann* has been by me compared with the original and that it is a correct transcript therefrom and of the whole of such original, as the same appears of record on file at my office and in my custody.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at Sitka, in said district, this 15 day of October, 1892.

[L. S.]

N. R. PECKINPAUGH,
Clerk.

Statement of appraised value of all vessels and cargoes seized in Alaskan waters in the years 1886 to 1890, both inclusive, as the same appears of record and on file in the office of the clerk of the United States district court for the district of Alaska.

No. of cause	Title of cause.	Name of vessel seized.	Date of seizure.	Date of filing libel.	Date of decree.	Kind of vessel.	Appraised value of vessel.	Kind of cargo.	Appraised value of cargo.	Total appraised value.
49	U. S. vs. Schooner Onward.	Onward	1886. July 16	1886. August 28	1886. September 22	British	No appraisalment	Seal skins	No appraisalment	.....
50	U. S. vs. Schooner Thornton.	Thornton	July 16	August 28	September 22	British	No appraisalment	Seal skins	No appraisalment	.....
51	U. S. vs. Schooner Carolina.	Carolina	July 16	August 28	September 22	British	No appraisalment	Seal skins	No appraisalment	.....
52	U. S. vs. Schooner San Diego.	San Diego	July 16	August 28	September 22	American	\$1,141.00	.....	Apr. with ves.	\$1,141.00
79	U. S. vs. Steam Schooner Dolphin.	Dolphin	1887. July 12	September 13	1887. October 11	British	7,750.00	Seal skins	\$3,049.50	10,799.50
80	U. S. vs. Steam Schooner Grace.	Grace	July 17	September 13	October 11	British	10,404.00	Seal skins	3,842.25	14,246.25
81	U. S. vs. Schooner Lilly L.	Lilly L.	July 16	September 13	September 19	American	1,784.80	Seal skins	945.00	2,729.80
82	U. S. vs. Steam Schooner Anna Beck.	Anna Beck	July 2	September 13	October 11	British	2,600.00	Seal skins	1,650.25	4,250.25
83	U. S. vs. Schooner Adda.	Adda	August 25	September 13	October 11	Japanese	2,900.00	Seal skins	9,394.00	12,294.00
84	U. S. vs. Schooner W. P. Sayward.	W. P. Sayward	July 9	September 13	September 19	British	4,894.50	Seal skins	7,289.50	12,174.00
85	U. S. vs. Schooner San José.	San José	August 18	September 13	October 3	American	No appraisalment	Seal skins, arms, and ammunition.	4,601.25 166.00	4,767.25
86	U. S. vs. Schooner Annie.	Annie	August 6	September 13	September 20	American	1,784.80	Seal skins	1,475.50	3,260.30
87	U. S. vs. Schooner Allie I. Alger.	Allie I. Alger	August 25	September 14	September 20	American	5,408.00	Seal skins	7,974.50	13,382.50
88	U. S. vs. Schooner Alpha.	Alpha	August 8	September 14	September 20	American	800.00	Seal skins	1,912.25	2,712.25
89	U. S. vs. Steam Schooner Kate and Ann.	Kate and Ann.	August 8	September 14	September 20	American	1,250.00	Seal skins	2,885.00	4,135.00
90	U. S. vs. Schooner Alfred Adams.	Alfred Adams	August 6	September 14	October 3	British	No appraisalment	Seal skins, arms, and ammunition.	6,888.75 125.00	7,013.75

91	U. S. vs. Schooner Ellen.	Ellen	August 6 ..	September 14 ..	October 3	American ..	No appraisement .	Seal skins, arms, and ammunition.	996.00 79.00
92	U. S. vs. 443 fur-seal skins.	Lottia Fairfield ..	July 1	September 15 ..	October 3	British	No appraisement .	Seal skins ..	2,033.25
93	U. S. vs. Schooner Sylvia Handy.	Sylvia Handy	August 8 ..	September 15 ..	October 3	American ..	4,350.00	Seal skins ..	8,324.25 12,673.25
102	U. S. vs. Schooner Angel Dolly.	Angel Dolly	August 8 ..	December 10 ..	June 8	American ..	670.00	Seal skins ..	873.00
202	U. S. vs. 76 fur-seal skins and 1 rifle.	Black Diamond ..	July 15	September 14 ..	September 28 ..	British	No appraisement .	Seal skins, 1 rifle.	No appraisement .
203	U. S. vs. 418 fur-seal skins and 2 shotguns.	Minnie	July 15	September 14 ..	September 28 ..	British	No appraisement .	Seal skins, 2 shotguns	No appraisement .
204	U. S. vs. 853 fur-seal skins, 8 shotguns, 4 rifles, 639 brass shells, and 480 cartridges.	Pathfinder	July 29	September 14 ..	September 28 ..	British	No appraisement .	Seal skins, 8 shotguns, 4 rifles, 639 brass shells, and 480 cartridges.	No appraisement .
205	U. S. vs. 171 fur-seal skins, 2 shotguns, 2 rifles.	James G. Swan ..	July 20	September 14 ..	September 28 ..	American ..	No appraisement .	Seal skins, 2 shotguns, 2 rifles.	No appraisement .
206	U. S. vs. 619 fur-seal skins.	Juniata	July 30	September 14 ..	September 28 ..	British	No appraisement .	Seal skins ..	No appraisement .
207	U. S. vs. 333 fur-seal skins.	Lilly	August 6 ..	September 14 ..	September 28 ..	British	No appraisement .	Seal skins ..	No appraisement .

THE UNITED STATES,
District of Alaska, ss :

I, N. R. Peckinpaugh, clerk of the United States district court within and for the district of Alaska, do hereby certify that the above and foregoing is a true and correct tabulated statement of the appraisal value of all vessels and cargoes seized in Alaska waters in years 1886-1890, both inclusive, as the same appears of record and on file in my office.

Witness my hand and the seal of said court at Sitka this 15th day of October, 1892.

[SEAL,]

N. R. PECKINPAUGH,
Clerk U. S. District Court.

To the

HONORABLE DISTRICT COURT OF THE DISTRICT OF ALASKA:

The undersigned appraisers appointed by your honorable court, and sworn to appraise the value of the cargoes of the schooners *Lilly L.*, *San Jose*, *Annie*, *Allie I. Algar*, *Ellen*, *Sylvia Handy*, and the schooner *Angel Dolly*, her small boats, tackle, apparel, furniture, and cargo, beg to submit:

That in commencing their labors of appraising the fur-seal-skins stored in the Government warehouse, their progress was greatly impeded by the unsystematic manner in which they were stored, the various lots, instead of having been separately stacked and labeled, had been promiscuously thrown in heaps, without pretense to order or system. A number of the sacks had been partially destroyed and rendered useless, having been gnawed by rats; and from the same cause about a dozen pelts were found to have been damaged. Many of the tags, with which the greater part of the sacks had been marked, were also destroyed by rats and carried off by them to build nests with, as was afterwards ascertained. In order to bring some system into the chaos and to enable your appraisers to proceed with their duties, your honorable court was requested to enlarge their powers by intrusting them to assort out and count by sacks the number of pelts belonging to the other vessels, not included in the lists to be appraised. Under such instructions that portion of the pelts were removed to an adjoining room in the warehouse, and after ascertaining the number of pelts contained in each sack (by opening a quantity of various sizes) to be five (5) bundles or ten (10) pelts to a sack. Each vessel's lot was approximated accordingly, the result of which count is herewith submitted, to wit:

Schooner <i>Grace</i> :	Pelts.
78 sacks, supposed to contain.....	769
Schooner <i>Dolphin</i> :	
62 sacks, supposed to contain.....	618
Schooner <i>Annie Beck</i> :	
33 sacks, supposed to contain.....	335
Schooner <i>Ada</i> :	
189 sacks, supposed to contain.....	1,873
Schooner <i>Sayward</i> :	
48 sacks, supposed to contain.....	474
Schooner <i>Alfred Adams</i> :	
139 sacks, supposed to contain.....	1,379
Schooner <i>Lottie Fairfield</i> :	
44 sacks, supposed to contain.....	443
Schooner <i>Kate and Ann</i> :	
58 sacks, supposed to contain.....	577
Schooner <i>Alpha</i> :	
39 sacks, supposed to contain.....	387

Making a total of 690 sacks, supposed to contain 6,855 pelts.

Besides the above there remains an excess of ten (10) sacks and three pelts to make up for deficiencies in the various lots.

The appraisement of the property to be appraised, consisting of fur-seal skins, is as follows by actual count and inspection, to wit:

Schooner <i>Angel Dolly</i> :	
175 salted fur-seal skins	\$873.00
Schooner <i>Annie</i> :	
304 salted fur-seal skins	\$1,475.50
Schooner <i>San José</i> :	
891 salted fur-seal skins	4,601.25
Schooner <i>Sylvia Handy</i> :	
1,678 salted fur-seal skins	8,323.25

Schooner Allie I. Algar:

1,594 salted fur-seal skins \$7,974.50

Schooner Ellen:

195 salted fur-seal skins 996.00

Schooner Lillie L:

193 salted fur-seal skins 945.00

Making a total of 5,030 skins at an appraised valuation of \$25,188.50.

Adding to this number of 5,030 pelts the lot not appraised, but approximated at 6,855 pelts, results in a grand total of 11,885 pelts on hand, which number is 267 in excess of the statement handed to the appraisers by the U. S. marshal, and agrees with the reports of the officers of the revenue cutters and the decrees of forfeiture, as far as concluded, within 12 pelts.

The appraisement of the schooner *Angel Dolly*, its small boats, tackle, apparel, etc., according to the testimony obtained, and its arms and ammunition is

\$670

The arms and ammunition of the schooner *Ellen* 79The arms and ammunition of the schooner *San Jose* 166

Copies of the statements of the U. S. marshal and the officers of the revenue cutters are herewith appended for comparison.

All of which is respectfully submitted.

Dated February 20, 1888.

JEFF. J. KUEHN.

J. M. VANDERBILT.

GEORGE KOSTROMETINOFF.

Statement of the U. S. marshal.—List of pelts put up in sacks.

1594.	Allie I. Algar.....	1,574
	Lilly L	193
	Anna Beck	335
	Grace	769
	Ellen	195
	Alpha	387
	Annie	304
	Kate and Anna	577
	W. P. Sayward	474
1873.	Ada	1,784
1678.	Sylvia Handy.....	1,520
	Dolphin	618
	Lotta Fairfield.....	443
	San Jose	891
	Alfred Adams.....	1,379
	(Error in footing).....	11,433
	Should be	11,443
	Angel Dolly (not included in the marshal's list)	175
		11,618

Statement of officers of revenue cutters and copies of decrees of court.

Allie I. Algar	1,594	Ada	1,876
Lilly L	197	Sylvia Handy.....	1,679
Anna Beck	336	Dolphin	618
Grace	769	Lotta Fairfield.....	443
Ellen	195	San Jose	891
Alpha	389	Alfred Adams	1,379
Annie	304	Angel Dolly.....	178
Kate and Anna	577		
W. P. Sayward	477		
			11,902

THE UNITED STATES OF AMERICA,

District of Alaska, ss:

I, N. R. Peckinpaugh, clerk of the United States district court for the district of Alaska, do hereby certify that the foregoing copy of the appraisement of the cargoes, etc., of the following vessels, viz: Schooner *Angel Dolly*, schr. *Annie*, schr. *San Jose*, schr. *Sylvia Handy*, schr. *Allie I. Algar*, schr. *Ellen*, schr. *Lilly L.*, has been by me compared with the original and that it is a correct transcript therefrom, and of the whole of such original, as the same appears of record on file at my office and in my custody.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at Sitka, in said district, this 15 day of October, 1892.

[L. S.]

N. R. PECKINPAUGH,

Clerk.

TABLES RELATING TO CLAIMS OF BRITISH SUBJECTS AGAINST THE UNITED STATES.

Compiled from the schedule of claims submitted with the British case and from the authorities cited in each table.

TABLE NO. 1.—*Value of vessels.*

Names.	Tonnage and value claimed.			Actual tonnage and value.			
	Tons claimed.	Value claimed.	Value per ton claimed.	Actual ¹ registered tons.	Real value.	Value per ton.	Built. ²
Carolena	32	\$4,000	\$125.00	31.90	\$1,905.06	³ \$59.72	No information.
Thornton.....	78	6,000	76.92	29.36	2,258.37	⁴ 76.92	1861.
Onward.....	94	4,000	42.55	35.20	1,497.76	⁴ 42.55	1871.
W. P. Sayward .	135½	6,000	44.28	59.79	2,647.50	⁴ 44.28	No information.
Grace	182	12,000	65.93	76.87	5,068.03	⁴ 65.93	1881.
Dolphin.....	174	12,000	68.96	60.10	4,144.49	⁴ 68.96	1882.
Ada	68	7,000	103.00	56.95	3,401.05	⁴ 59.72	1874.
		51,000			20,922.26		

¹ Collector of customs at Victoria, British Columbia. See p. 258.

² Mercantile Navy List and Maritime Directory. Published for the Committee of Lloyd's.

³ Average value per ton claimed.

⁴ Claimed value per ton.

TABLE NO. 2.—*Value of vessels.*

Names.	Value claimed.	Appraised value. ¹	Amount realized at sale at Port Townsend. ²
Grace	\$12,000	\$10,404	\$1,525
Anna Beck.....	8,000	2,600	907
Dolphin.....	12,000	7,750	1,225
Ada.....	7,000	2,900	1,900
	39,000	23,654	5,557

The owners claimed that the appraised values were too high and they refused to bond the vessels at those values.³ Mr. West, the British minister, informed Mr. Bayard, Secretary of State, October 12, 1888, that the appraisement of the *Anna Beck* was accepted and asked that a reappraisement of the *Grace* and *Dolphin* be authorized.⁴

¹ The appraised value is from the original appraisement at Sitka, see p. 329.

² Copy of the records of the United States marshal for the district of Washington, post p. 421.

³ Senate Ex. Doc., Fiftieth Congress, second session, No. 106, p. 74.

⁴ *Ibid.*, p. 76.

TABLE NO. 3.—*Claims for insurance.*

Names.	Hull policy.	Premium claimed to have been paid.	Rate 4 months' voyage			Outfit and cargo policy.	Premium claimed to have been paid.	Rate 4 months' voyage.			Hull, outfit and cargo.	Premium claimed to have been paid.	Rate 4 months' voyage.	
			P. ct.	P. ct.	P. ct.			P. ct.	P. ct.	P. ct.			P. ct.	P. ct.
Carolena.....											\$3,500	\$352.50	10.07	30.2
Thornton.....	£1,200	\$492.83	8.4	25.2	18	£1,000	\$98.60	2	6					
Onward.....	\$4,000	260.00	6.5	19.5	8									
W. P. Sayward.....	£1,000	410.70	8.4	25.2	8	2,000	514.59	5.3	15.9					
Grace.....	2,000	821.40	8.4	25.2	8	2,000	514.59	5.3	15.9					
Anna Beck.....	1,400	574.98	8.4	25.2	8	2,000	514.59	5.3	15.9					
Dolphin.....	2,000	821.40	8.4	25.2	8	2,000	514.59	5.3	15.9					
.....		3,381.31					2,156.96					352.50		

Total premium claimed to have been paid, \$5,890.77.

¹ Rate on hull, outfit, and cargo the same. (W. H. C. Fowler, secretary Marine Insurance Company, San Francisco, p. 341; N. T. James, late president Union Insurance Company, San Francisco, p. 342; Harry S. Smith, marine secretary Sun Insurance Company, San Francisco, p. 349.)

TABLE NO. 4.—*Claims for outfits and cargoes.*

Names.	Consumable outfit.	No. days out.	Consumed.	Amount consumed.	Amount unconsumed.	Skins seized.
			Per cent.			
Carolena.....	\$1,381.10	71	60	\$328.66	\$552.44	630
Thornton.....	2,009.58	75	62.5	1,255.99	753.59	403
Onward.....	1,135.98	53	44½	501.72	634.26	406
W. P. Sayward.....	2,336.87	54	45	1,051.59	1,295.28	479
Grace.....	13,246.60	85	56½	1,839.74	1,406.86	781
Anna Beck.....	12,839.41	103	68½	1,949.73	889.68	334
Dolphin.....	3,475.22	58	48½	1,679.69	1,795.53	618
Amount claimed.....	16,424.76				7,327.64	3,701

¹ Five months' voyage.

The calculations are based on the length of a voyage as stated in the schedule of claims, p. 6, sec. 4, appended, to the British case.

TABLE NO. 5.

Names.	Average values claimed for weapons, boats, and canoes.				
	Rifles.	Shotguns.	Spears.	Boats.	Canoes.
Carolena.....	\$26.00	\$50.00		\$100.00	\$62.12½
Thornton.....	25.19	35.43		153.17½	
Onward.....		15.25			49.50
W. P. Sayward.....	22.50	40.00			56.00
Grace.....	25.83	40.00		124.78½	57.00
Anna Beck.....	22.50	40.00		140.50	57.00
Dolphin.....	22.50	40.00		75.00	63.92
Alfred Adams.....	25.00	50.00	\$4.00		
Juanita.....			3.00		
Pathfinder.....	25.00	25.00			
Black Diamond.....	25.00		4.00		
Lily.....			4.00		
Minnie.....		55.00	3.00		
Average.....	24.39	39.07	3.60	118.69	57.59

The following are the market values: rifles ¹\$12.50, shotguns ¹\$25.00, boats ¹\$100.00; ²\$75 to \$100.00; ³\$100.00.

¹ John A. Magee, p. 348.

² A. P. Lorentzen, p. 344.

³ Consul L. W. Myers, p. 261.

TESTIMONY.

A.—RELATING TO CLAIMS OF BRITISH SUBJECTS AGAINST THE UNITED STATES.

Deposition of Capt. C. A. Abbey, United States Revenue Marine.

UNITED STATES OF AMERICA,

State, County, and City of New York, ss:

C. A. Abbey, being duly sworn, deposes and says:

I was in the year 1886 a captain in the revenue service of the United States, and in the month of August of the same year was in command of the United States revenue steamer *Corwin*, and while acting in that capacity, on or about the first day of August in said year, seized the schooner *Carolena*, a vessel sailing under the British flag, for unlawfully taking fur-seals in the waters of Bering Sea.

Official position.

Seizure of *Caro-
lena*.

And I do further depose and say that no money was taken from said schooner nor from any of her officers or crew by myself, and none was so taken to my knowledge or information by any of my officers or by my command or authority.

No money taken.

C. A. ABBEY.

Sworn to and subscribed before me, as witness my hand and official seal this 13th day of December, A. D. 1892.

[SEAL.]

ARTHUR M. WIENER,

Notary Public, New York County, N. Y.

Deposition of W. H. C. Fowler, marine secretary of California Insurance Company.

STATE OF CALIFORNIA,

City and County of San Francisco, ss:

W. H. C. Fowler, being duly sworn, deposes and says:

I am forty-two years of age, and reside in San Francisco, California, and am a citizen of the United States. My occupation is that of insurance. I was marine secretary of the California Insurance Company, of San Francisco, from 1881 to 1886, and was secretary of said company from 1886 until August, 1892, at which time I resigned. I am thoroughly conversant with marine insurance. The company to which I belonged carried insurance upon sealing vessels. The rate of insurance on a vessel depends upon its age, condition, and latitude allowed.

Occupation.

Insurance rate.

The usual rate on sealing vessels at present is seven per cent; in 1886

and 1887 it was some more; a fairly good vessel at that time would be insured at a rate from eight to nine per cent, and we made no distinction in rate between sail and steam vessels engaged in this business. The outfit is insured at the same rates as the hull. The cargo to the extent of the outfit is usually insured under the outfit policy, and the

Insurance date. catch as taken replaces the outfit. Insurance on sealing vessels is usually taken out in February of each year, although a few do take insurance in November or December to seal along the coast. On return to home port of the vessel from a spring and summer sealing voyage, which is usually in August or September, the owners frequently surrender their policies for cancellation and receive a pro rata amount of the premium for each month of unexpired time.

In insuring a sealing vessel the premium is divided into four parts; one-fourth is paid in cash, the other three-fourths in notes payable three, six, and nine months, with privilege of canceling the policy on return of vessel to port and receiving the unearned premium. In case

Seizure voids policy.

Quality of vessels.

Survey fee.

of seizure the policy becomes void from that date. The vessels engaged in the sealing business now are of a superior quality to those usually engaged in the business in 1886 and 1887. The cost of survey is from ten to twenty dollars.

WM. H. C. FOWLER.

Subscribed and sworn to before me this 15th day of October, A. D. 1892.

[SEAL.]

CLEMENT BENNETT,
Notary Public.

Deposition of N. T. James, president of Union Insurance Company of San Francisco.

STATE OF CALIFORNIA,

City and County of San Francisco, ss:

N. T. James, being duly sworn, deposes and says:

I am forty years of age; a citizen of the United States, and reside in

Occupation.

San Francisco, California. My occupation is that of insurance. Was president of the Union Insurance Company of San Francisco until quite recently, and was marine secretary of the Firemen's Fund Insurance Company of San Francisco for seven years previous thereto, both companies of which done a marine insurance business, and I am thoroughly familiar with the rates paid by sealing vessels now as well as those paid in 1886 and 1887. In those

Insurance rates.

years the general rate was eight per cent for total loss on Bering Sea sealers, and they were not to go north of St. Lawrence Island. The rates on outfit was the same as on the hull. The cargo is usually, to the extent of the outfit, insured under the outfit policy, the same being consumed and the cargo takes its place. We made no difference in rates of insurance between steam and sailing vessels. Insurance last year was about seven per cent, or

Quality of vessels.

Insurance date.

about one per cent less than in 1886 and 1887. The vessels engaged in the sealing business for the last year or two are a better class of vessels than those of 1886 and 1887. Insurance on sealing vessels is usually taken out in February of each year, although a few take out

insurance in November and December to seal along the coast. The total premium is divided into four parts; one-fourth is paid in cash, the other three-fourths in notes payable in three, six, and nine months, with the privilege of canceling the policy on return of vessel to port, and where no loss is claimed the premium on each entire month, not entered upon, is returned to the owner. The cost of survey is from ten to twenty dollars. In case of seizure of vessel the policy is void and the insured usually do not pay their notes, claiming that they are broken up.

Rebate.
Survey fee.
Seizure voids policy.

N. T. JAMES.

Subscribed and sworn to before me this 15th day of October A. D. 1892.

[SEAL.]

CLEMENT BENNETT,
Notary Public.

Deposition of A. P. Lorentzen, shipping agent, owner, and outfitter of vessels.

STATE OF CALIFORNIA,

City and county of San Francisco, ss:

A. P. Lorentzen, being duly sworn, deposes and says:

I am fifty-four years of age, an American citizen, and reside in Alameda, Cal. My occupation is shipping agent and owner and outfitter of vessels. My place of business is 11½ Stewart street, San Francisco. Have been engaged in the business to a greater or less extent since 1865, and since 1885 I have been an owner and otherwise interested in vessels engaged in the sealing business. Have fitted out vessels and am thoroughly familiar with the business. Vessels going on a sealing cruise are usually fitted out for an eight or nine months' voyage in January or February of each year, and the cost of a complete outfit for a fairly good vessel, carrying a crew of from twenty to twenty-five men, is about three thousand dollars. This would include the entire cost of provisions and subsistence of a crew of white men, including insurance, as well as all other expenses for a complete outfit of a sealing vessel, but would not include advances to the men. In estimating the cost of provisions, water, etc., we allow fifty cents per day for each person composing a white crew, and it will fully cover the expense. I have had no experience with Indian crews, but, as they largely furnish their own subsistence and their own canoes, it would cost very much less to fit out a vessel carrying that kind of a crew. The cost of chartering a vessel from forty to a hundred tons, registered burden, engaged in sealing, is about three dollars per ton, depending somewhat on the condition of the vessel and the demand at the time of charters. The cost of provisions and outfit at present, as compared with 1886 and 1887, is about the same. The cost of constructing a sealing schooner is about a hundred dollars per registered ton. A small schooner might cost a little more per ton. The same would cost about eighty dollars per registered ton to build it in Victoria. The

Occupation.

Outfitting of sealers.

Cost of chartering sealers.

Cost of building sealers.

Victoria vessels are rougher and not as well made, and I consider them much inferior to those made in San Francisco. One small boat belongs regularly to the sealing schooners. The hunting boats are a part of her outfit, and cost from ninety to a hundred dollars in San Francisco. The same with sails cost about a hundred and ten dollars when new, but they depreciate quite rapidly by use. I would not consider a Victoria made hunting boat worth over seventy-five dollars when new. They are not as staunch and well constructed as those made by San Francisco builders. What is known as nonconsumable supplies depreciate very rapidly by use.

A. P. LORENTZEN.

Subscribed and sworn to before me this 18th day of October, A. D. 1892.

[SEAL.]

CLEMENT BENNETT,
Notary Public.

Deposition of Charles Lutjens, sealer (master).

STATE OF CALIFORNIA,

City and County of San Francisco, ss.:

Charles Lutjens, being duly sworn, deposes and says:

I am 50 years of age, a naturalized citizen, and reside in San Francisco, California. I am owner and master of the sealing schooner *Kate and Anna*. I have been engaged in

Occupation.

the sealing business since 1886. My vessel is a small schooner of about 30 tons and carries three sealing boats and a crew of 12 men. I allow

Outfitting of sealers.

for subsistence for an 8 or 9 months' cruise a hundred dollars per man or twelve hundred dollars for the entire cruise. This includes the wages of the cook. The rest of the crew go on a "lay." The cost of the rest of the outfit is about eight hundred dollars. These prices are very liberal and are for the very best outfit that can be obtained, for it has been my experience that the best outfit produce the best results. It is the practice of sealers to fit out in January and leave about the first of February and return to port in September. Many vessels fit out less expensively than I do. This is particularly so with British Columbia vessels engaged in the business, which are seldom as well fitted out as American vessels. The cost of fitting out a vessel carrying Indian hunters would be very much less, for the Indians furnish their own canoes and equipments and furnish their own subsistence and go on a "lay." There is no material difference in the cost of outfitting a vessel now as compared with 1886 and 1887. I was seized in 1887 by the United States revenue cutter *Rush* for sealing in Ber-

When seized.

Other seizures.

ing Sea. About the same time the vessels *W. P. Sayward*, *Grace*, *Anna Beck*, *Dolphin*, and *Ada* were seized by the Government. I had been abroad of these vessels and was well acquainted with their condition and outfit at time of seizure. I would value the

Valuation of seized sealers.

vessels and outfits at time of seizure, exclusive of the skins, to a person who wished to purchase, as follows, although if they had been sold at forced sale they would probably have brought much less.

Value of vessel and outfit.

W. P. Sayward	\$5,000
Grace	8,000
Anna Beck (old)	6,000
Dolphin	7,000
Ada	5,000

Sealing in Bering Sea practically closes the latter part of August. The sea becomes so rough and there are so few days that we can lower boats that it does not pay to remain any longer. We go direct to our home ports, for there are no seals in the North Pacific to hunt at that time of the year. The number of seals caught by one vessel, or the average number caught by a number of vessels, has no particular bearing on the catch of another vessel or what such vessel might have caught in a given time. One vessel may be lucky and another unlucky. Sealing, like whaling, is a venture, and while one may do exceptionally well, another may do very poorly. This has always been the case in the sealing business.

Bering Sea sealing season.

Sealing a venture.

CHARLES LUTJENS.

Subscribed and sworn to before me this 22nd day of October, A. D. 1892.

[SEAL.]

CLEMENT BENNETT,
Notary Public.

Deposition of Alexander McLean, sealer (master).

STATE OF CALIFORNIA,

City and county of San Francisco, ss:

Alexander McLean, being duly sworn, deposes and says:

I am thirty-three years of age, and a master mariner by profession.

I reside at San Francisco, and am a citizen of the United States. I have been engaged in hunting the fur seal in the Bering Sea and North Pacific for the last ten years. Have been owner and part owner of vessels engaged in the business. Was one of the first to enter Bering Sea and engage in pelagic hunting of seals. Have been one of the most successful of all of those engaged in the business. Have been in Bering Sea every season, except the last three, since 1882. The hunting season begins in Bering Sea the fore part of July and ends the last of August. I entered Bering Sea three years in succession on July 4th, and usually came out August 25th, at which time the season practically closes. There are so few days after that when the weather will permit successful hunting that it does not pay to remain in the sea any longer. On leaving the sea the latter part of August all vessels make for their home port, for there is no seals to hunt at that season of the year in the North Pacific. I am acquainted with nearly every vessel engaged in the business of catching seals; and the number of skins taken by one vessel or a certain number of vessels is no guide to the number that might be taken by another vessel. So much depends on finding the herd and keeping with it in its journey along our coast to Bering Sea that while one vessel may be fortunate in this respect another, equally well manned and with the same number of

Occupation.

Experience.

Bering Sea sealing season.

Sealing a venture.

small boats, may be unfortunate and may not secure in number but a small per cent of the skins taken by the former. No correct estimate can be made of the number of skins that might be taken in a given time by what other vessels have done or by what the vessel itself had formerly done, for too much depends on good luck in this precarious

business. The greater portion of my life each year for the last ten years has been spent on board of a vessel as a master hunting the fur-seal in the Bering Sea or

North Pacific, and I know from actual knowledge that there is not one-half as many seals in these waters that there were a few years since, and the decrease in number has been so rapid in the last four or five years that, if continued two or three years more, they will be so near

killed off that it will pay no one to hunt them. It is true that a very few of the vessels have made a fairly good catch this year, but that was brought about by those vessels going over to the Japan coast and falling in with the herds there that had not been hunted to any great extent. When Indian hunters are employed on a sealing cruise they

go on what is known "as a lay." They furnish their own canoes, and each canoe has a boat-puller and hunter. The rule is for the hunter to get one-third, the boat-puller one-third, and the vessel one-third of the catch of each canoe. The vessel furnishes the supplies, but it costs only about one-half to subsist an Indian crew that it does a white crew, for the Indians live chiefly on the flesh of the seal and hard bread.

Sealing vessels are fitted out in February for an eight-months' cruise, but they sometimes run into Victoria or to the west coast of Vancouver Island in May or June and ship their skins, preparatory to entering Bering Sea.

A. McLEAN.

Subscribed and sworn to before me this 7th day of October, A. D. 1892.

[SEAL.]

CLEMENT BENNETT,
Notary Public.

Deposition of Daniel McLean, sealer (master).

STATE OF CALIFORNIA,

City and County of San Francisco, ss:

DANIEL McLEAN, being duly sworn, deposes and says:

I am forty-two years of age, and am a master mariner by profession.

Occupation. I reside in San Francisco, and am a naturalized American citizen. Have been engaged in pelagic hunting of fur-seals in the North Pacific and Bering Sea for the last ten years. The vessel in which I was in command

secured the largest number of seals ever caught in any one season in those waters. I am what might be called a pioneer in pelagic hunting in the Bering Sea. I usually enter the Bering Sea during the fore part of July and leave the last of August.

Bering Sea sealing season. The sea becomes too rough to make it profitable to hunt seal after August, and it is the practice for nearly all vessels en-

gaged in hunting seal to leave about that time. A few sometimes remain later for the purpose of trying to raid the islands, but there are so few days that the sea is smooth enough to hunt after September 1st that it does not pay to remain any longer. After leaving Bering Sea the last of August all vessels go direct to their home port, for there is no seals to hunt in the North Pacific during September.

The conditions for a successful catch are so many that while one vessel may take a great many another with equal as large a crew may secure only a small number. It requires experience, careful study of the habits of the seal, and a thorough knowledge of their route of travel along the coast to Bering Sea to secure a good catch. I have known vessels to leave port on the same day that I did with the same number of crew and boats, and at the end of the season I had about two skins to their one. I know there is not one-half as many seals in the waters of the North Pacific and Bering Sea that there were a few years ago. At the rate they have been decreasing for the last three or four years it will take only about two years more to use them up. It is for the interest of the sealers and everybody else that something be done at once to stop the indiscriminate slaughter of the fur seal in those waters. Sealing vessels were formerly fitted out in February for an eight-months' cruise, but last year some of them fitted out earlier, so as to avoid being warned. We usually run into some port or place in May or June, where we can ship our skins before going into Bering Sea in July.

Sealing a venture.

Herds decreased one-half.

Date of outfitting.

Reshipment of spring catch.

Indian hunters go on what is known as a "lay," the vessel getting one-third of the catch of each canoe, and the two Indians (boat-puller and hunter) the other two-thirds. The vessel furnishes the subsistence and the Indians furnish their canoes, spears, guns, etc. It costs only about one-half to subsist an Indian crew that it does a white crew, for the Indians live chiefly on fish and the flesh of the seal, with a little hard bread and tea.

Indian hunters.

DANIEL MCLEAN.

Subscribed and sworn to before me this 7th day of September, A. D. 1892.

[SEAL.]

CLEMENT BENNETT,
Notary Public.

Deposition of John A. Magee, jr., managing owner of sealing vessels and shipping agent.

STATE OF CALIFORNIA,

City and County of San Francisco, ss:

John A. Magee, jr., being duly sworn, deposes and says:

I am forty-three years of age, and an American citizen. My occupation is managing owner and shipping agent. Place of business 310 Clay street, San Francisco. I have been engaged in the business since 1884, and at present am managing owner of four vessels. Have fitted out whaling and sealing vessels and am thoroughly conversant with the busi-

Occupation.

Experience.

ness. Vessels are usually fitted out for a sealing voyage in the month of January or February for a cruise of eight months or a year. It will cost to outfit a vessel of forty ton register, with three sealing boats and carrying a crew of twelve or thirteen men for an eight or nine months' cruise, about two thousand four hundred dollars. In making my estimate I allow eight hundred dollars to each sealing boat. One of a hundred and sixty tons register usually carries six boats and twenty-four men, and it would cost about forty-eight hundred dollars to outfit her. These estimates are very liberal ones and are based upon everything being new and first-class in every particular, with an abundant supply of everything. It includes everything but the vessel and advanced wages to the seamen. If the supplies are of an ordinary quality and portion of the amount second hand, having been in use in former voyages, as is the case in many instances, then it will cost very much less. New shot-guns cost about twenty-five dollars apiece; good second hand ones can be bought from eight to ten dollars each, and rifles for twelve and a half dollars. Good new sealing boats cost about a hundred dollars each, second hand ones can be bought for forty dollars, and a like discount should be made on other parts of her outfit if it is not new. The cost of outfitting vessels in Victoria is fully twenty per cent less than in San Francisco; chiefly because the outfit is inferior in quality and less in quantity than those furnished American vessels at this port. Occasionally a Victoria vessel is fitted out in San Francisco, and I have noticed that they scrimp in their supplies, and buy much cheaper articles than Americans. This is especially true of old vessels that are sent out on sealing voyages from that port. The usual allowance in estimating for subsistence is fifty cents a day for each man on board the vessel, but the actual cost is only about twenty-five cents per man. I am told that the big steamers running between here and China subsist their crews at about twelve and a half cents a day for each man. I have never had any experience in fitting out vessels with Indian hunters, but as they furnish their own canoes, and their food largely consists of fresh and dried fish which they themselves furnish, it must be but a fraction of the cost that it takes to fit out a crew of white men. There is but little difference, if any, in outfitting vessels now and what it was in 1886 and 1887—a few things a little more and some things less. The cost of chartering schooners depends on the demand, but usually they can be had from two to three dollars a ton per month. I have just chartered a good vessel of seventy tons register for a hundred and fifty dollars, or two hundred and fifty dollars a month including wages of the captain. All estimates are based upon the registered tonnage of a vessel.

JOHN A. MAGEE, JR.

Subscribed and sworn to before me this 20th day of October, A. D. 1892.

[SEAL.]

CLEMENT BENNETT,
Notary Public.

Deposition of George C. Perkins, general agent of Pacific Coast Steamship Company.

STATE OF CALIFORNIA,

City and County of San Francisco, ss:

George C. Perkins, of Goodall, Perkins & Co., general agent for the Pacific Coast Steamship Company, of San Francisco, being duly sworn, deposes and says:

I am the secretary of the Pacific Coast Steamship Company; that we do now and did in 1886 and 1887, run regular mail boats between San Francisco, California, and Victoria, B. C. Also between Sitka, Alaska, and Victoria, B. C.

The regular passenger rates between these points in 1886 and 1887, were as follows:

	Occupation.	Passenger rates on Pacific coast.
San Francisco to Victoria—		
Cabin		\$20.00
Steerage		10.00
Sitka to Victoria:		
Cabin		50.00
Steerage		30.00
Port Wrangle to Victoria (which rates would apply to passengers from Fort Simpson to Victoria):		
Cabin		30.00
Steerage		15.00
A British Columbia transportation company which runs between Fort Simpson and Victoria, I am informed, charges between those two points for—		
Cabin		20.00
Steerage		10.00

GEORGE C. PERKINS.

Subscribed and sworn to before me this 28th day of October, A. D. 1892.

[SEAL.]

CLEMENT BENNETT,
Notary Public.

Deposition of Harry S. Smith, marine secretary of Sun Insurance Co.

STATE OF CALIFORNIA,

City and County of San Francisco, ss:

Harry S. Smith, being duly sworn, deposes and says:

I am forty-four years of age; reside in San Francisco; am an American citizen, and am marine secretary of the Sun Insurance Company of San Francisco. I am familiar with marine insurance, and our company has carried for a number of years a line of insurance on sealing vessels, some of them as far back as 1886 and 1887. The rates of insurance on such vessels in 1886 and 1887, on hull and outfit was eight to nine per cent per annum. At present it is less, being about seven per cent per annum, and we make no distinction as to rates between sailing and steam vessels engaged in the sealing business. The cargo to the extent of the outfit is insured under the outfit policy, the catch taking the place of the outfit consumed. Sealing vessels usually take out their insurance in February or the last of January, although occasionally one takes out insurance in the fall of the year for sealing along the coast in winter. Insurance premiums are paid quarter in cash at time of insurance; the

Occupation.

Experience.

Insurance rate.

Insurance date.

other three-quarters are in notes, payable in three, six, and nine months, with the privilege of surrendering the policy on return of the vessel to port and receiving back the unearned premiums of such months as have not been entered upon, but no fractional part of a month is considered in returning to the vessel's owner any unearned premium. It is the practice for the vessel on return to its home port, which is usually in August or September, to surrender its policy and apply for rebate of unearned premium. The condition of the policy is such that all insurance ceases at the time of seizure. A better class of vessels are engaged in the sealing business at present than in 1886 and 1887. The cost of survey is from ten to twenty dollars.

Rebate.
Seizure voids policy.

Quality of schooners.

Survey fee.

HARRY S. SMITH.

Subscribed and sworn to before me this 17th day of October, A. D. 1892.

[SEAL.]

CLEMENT BENNETT,
Notary Public.

Deposition of Matthew Turner, ship-builder.

STATE OF CALIFORNIA,

City and County of San Francisco, ss :

Matthew Turner, being duly sworn, deposes and says:

I am sixty-seven years of age; reside in San Francisco, and am an American citizen. My occupation is ship-builder, and my office is 122 California street, San Francisco, California. I engaged in ship-building in 1868, and have been continually in the business since 1873. During this time I have built a hundred and sixty-seven vessels, some of which are known as sealing schooners, to wit:

Schr. Henrietta, built in 1884, 40 tons reg., cost.....	\$5, 200
Schr. San Jose, built in 1885, 52 tons reg., cost.....	5, 300
Schr. Lydia, built in 1889, 38 tons reg., cost.....	4, 375
Schr. Herman, built in 1890, 100 tons reg., cost.....	9, 000
Schr. Olga, built in 1890, 46 tons reg., cost.....	5, 000
Schr. St. Paul, built in 1890, 46 tons reg., cost.....	5, 500
Schr. Everett Hays, built in 1892, 37½ tons reg., cost.....	3, 750

These vessels were first class in every particular, with galvanized iron fastenings and trimmings and brass spikes, and were complete to go to sea with the exception of the bedding and cabin furniture, which would cost not to exceed a hundred and fifty dollars to each vessel. The average cost of building this class of vessels, complete with everything ready to go to sea, is about a hundred dollars per registered ton, those over seventy-five tons costing less, and those under perhaps a trifle more. A vessel of a hundred and fifty tons register would cost eighty-five dollars per ton to build in San Francisco. All calculations are made on the net registered tonnage as made by the custom-house officials, with this exception, that fractional parts of a ton are omitted from this statement. The cost of building the same class of boats in Victoria, B. C., would be from twenty to thirty dollars less per registered ton than in San Francisco. Timber is much less and labor a little lower, besides the construction is much inferior in workmanship and materials to those made here, which is the main cause of their costing

less. I have repaired some of the schooners that were built at Victoria and have always found them roughly made and lacking in good sea-going qualities as compared with those made at this port, although those built in the last two or three years are better in this respect than those built previous to 1886.

MATTHEW TURNER.

Subscribed and sworn to before me this 24th day of October, A. D. 1892.

[SEAL.]

CLEMENT BENNETT,
Notary Public.

Deposition of Theodore Thomas Williams, journalist.

DISTRICT OF COLUMBIA,
City of Washington, ss:

Theodore Thomas Williams, being duly sworn, deposes and says:

I am a resident of San Francisco, California. I know A. Frank, of San Francisco, of the late firm of Gutman & Frank, of Victoria. A. Frank was born in San Francisco; was ^{Citizenship of A. Frank.} a citizen of the United States; never threw off his allegiance to the United States or became a citizen of any other country, so far as I know or was informed; he always passed among his acquaintances as an American citizen; he spoke of himself as an American, and exercised the rights and privileges of American citizenship.

I know Mr. A. J. Bechtel, of the firm of Carne, Munsie, and Bechtel, of Victoria, B. C. He was introduced to me as an American, and the introduction was made as one ^{Citizenship of A. J. Bechtel.} American to another; he spoke of America, and spoke of himself as an American. It was understood in Victoria that he was an American. When I say "American" I mean a citizen of the United States. He universally passed in Victoria as an American; he was never known to have requested British citizenship nor to have taken any steps towards obtaining the same.

Joseph Boscowitz became an American citizen by naturalization, coming to the United States from Northern Europe. He was well known on the Pacific coast as a citizen of ^{Citizenship of Joseph Boscowitz.} the United States before he went to Victoria to engage in business. He frequently spoke of his American citizenship as though he were proud of it, and spoke of himself as an American in Victoria when doing business there; he always passed as an American citizen in Victoria. He had, so I was informed by the late U. S. consul at Victoria, Mr. Stevens, business with the consulate there as an American citizen, and was universally regarded and looked upon, so far as I am informed and believe, as an American citizen in Victoria. I know that he owned an interest in the schooners which stood in the name of Captain Warren; but not only did he own an interest ^{Warren - Boscowitz transaction.} in these vessels, but furnished Warren money to obtain his share. I found that out from his people; in making inquiries there I used all sorts of ways—not dishonorable ways—I met men and without stating my business talked to them; and talked to people who were associated with Boscowitz, and got from them such statements as this: "Oh, well, Boscowitz put up the money for Warren; Warren did not have any money; Warren was a good man to have charge of that business; Boscowitz put up the money and charged large interest—ate up his (Warren's), share." And they also said that Boscowitz had gotten

a little the better of Warren in the selling of skins. I never talked to Joe Boscowitz about that. I was working secretly.

When information was obtained. It was while I was in Victoria in 1889, that I learned these facts in regard to the ownership of these vessels.

Subscribed and sworn to before me this 12th day of December, 1892.

[SEAL.]

T. T. WILLIAMS,

Deposition of William H. Williams, United States Treas'y agent in charge of Pribilof Islands.

DISTRICT OF COLUMBIA,

City of Washington, ss:

William H. Williams, being duly sworn, deposes and says:

I am the United States Treasury agent in charge of the seal fisheries on the Pribilof Islands.

On the 18th and 19th of October, 1892, I had conversations with Mr. A.

Conversation with A. Frank.

Frank, at San Francisco, California, in the leather store of Frank & Frank, on Battery street. He said to me that he was the Frank of the firm of Gutman & Frank, of Victoria, B. C.; that Gutman died at sea April, 1887; that he (Frank) did not own any part of the *Alfred Adams* or her outfit, nor was he interested in her catch; that he had no claim against the United States Government on account of these seizure

No claim against U. S.

Citizenship of A. Frank.

of any vessel; that he (Frank) was an American citizen and was born in San Francisco, California; that he had a mortgage on the *Alfred Adams* and *Black Diamond* for about one-half of the value of each vessel at the time of seizure, and that he got a decree from the court at

Frank's mortgage on *Alfred Adams* and *Black Diamond*.

British Columbia permitting him to act as executor of Gutman at the time of his death, and that he remained executor until Gutman's brother became of age, which was about three years ago; that he then turned over the affairs of Gutman, deceased, to his (Gutman's) brother. When

Frank's interest in the two sealers.

questioned as to his interest in the *Alfred Adams* and *Black Diamond*, as to whether he was not a partner with Gutman, and that the mortgage was only a blind

Frank's interest similar to Boscowitz's.

to evade British Columbia laws, he laughingly replied, "No; how could I?" He finally said, "My interest in the vessels was the same as Boscowitz's in Warren's vessels; that he had no claim against the United States Government for vessels, outfit, or catch; and that he did not know that any claim had been made for him."

He refused to make any statement in writing.

The foregoing is a copy of the notes made by me October 20th, the next day after the conversation took place, and states accurately the substance of the conversation between the said Frank and myself in relation to his interest in 1887, 1888, and 1889 in the British Columbia sealing vessels *Alfred Adams* (afterwards the *Lily*) and the *Black Diamond*.

WM. H. WILLIAMS.

Sworn to and subscribed before me, a notary public for and in the District of Columbia, this tenth day of December, 1892.

[SEAL.]

SEVELLON A. BROWN,
Notary Public,

B.—RELATING TO FUR-SEALS AND TO SEALSKIN INDUSTRY.

Deposition of Moses S. Barnard, cooper.

STATE OF CALIFORNIA,

City and County of San Francisco, ss:

Moses S. Barnard, being duly sworn, deposes and says:

That he is a resident of San Francisco, California, and is by occupation a cooper; that during the past twenty years he has been employed by the Alaska Commercial Company in heading the casks in which are packed the fur-seal skins received by said company from the Pribilof Islands; that up to 1879 such sealskins were packed at the company's warehouse; that I have seen such sealskins packed, and never saw but a very few opened at the warehouse to examine as to their condition; that as soon as the casks had been packed and headed they were at once placed on drays and drawn to the railroad station; that since 1879, when a vessel arrived in port with a consignment of sealskins, the skins were unloaded and packed in bundles in the casks at the wharf, the casks being there headed and thence taken in drays to the railroad station for shipment.

Experience.

All skins trans-
shipped to London
from San Francisco.

MOSES S. BARNARD.

Subscribed and sworn to before me this 17th day of November, A. D. 1892.

[SEAL.]

CLEMENT BENNETT,
Notary Public.*Deposition of Charles J. Behlow, furrier.*

STATE OF CALIFORNIA,

City and County of San Francisco, ss:

Charles J. Behlow, being duly sworn, deposes and says:

I reside in San Francisco, State of California, and am by occupation a fur merchant, and have been so engaged permanently for the last 35 years, during which time I have been constantly handling large quantities of raw fur-seal skins from all different locations, and can readily distinguish the respective qualities, size, age, and sex.

Experience.

On the 22d instant I examined twenty fur-seal skins, ex-American schooner *Mary Brown*, from the Bering Sea, and found the same to be fresh skins taken off the animal within three months last past, and the same were killed in the Bering Sea.

Composition *Mary
Brown's catch.*

On examination they proved to be the skins known as the Northwest Coast seals, and belonged to the herd which have their rookeries on the Pribilof Islands. The lot contained: 2 skins of the fur-seal, male (matured); 4 skins of the fur-seal, gray pup about one year of age, sex doubtful; 14 skins of the fur-seal cow (matured).

Portion of the 14 cows referred to must have been very heavy with pup when killed, and some few, judging by the shape of the skin and

the development of the teat, must have been killed very shortly after giving birth to its young.

CHS. J. BEHLOW.

Subscribed and sworn to before me this 27th day of August, A. D. 1892.

[SEAL.]

L. MEININGER,
Notary Public.

Deposition of Charles J. Behlow, furrier.

STATE OF CALIFORNIA,

City and County of San Francisco, ss:

Charles J. Behlow, being sworn, deposes and says: I reside in San Francisco, State of California, and am by occupation a fur merchant, and have been so engaged permanently for the last 35 years, during which time I have been constantly handling large quantities of raw sealskins from all different locations, and can readily distinguish the respective quality, size, age, and sex.

Experience.

On the 24th instant I examined 949 salted fur-seal skins, ex-American steamer *City of Pueblo*, from Victoria, and found the same to be fresh skins taken off the animal within eight months last past, and that they were killed in the North Pacific, and to the best of my knowledge and belief were the catches of four British seal schooners, *Winifred*, *Henrietta*, *Kate*, and *Favorite*.

Composition of
catch of *Winifred*,
Henrietta, *Kate*, *Fa-*
vorite.

On examination they proved to be the skins known as the Northwest Coast seals and belonged to the herd which have their rookeries on the Pribilof Island.

The lot contained 73 skins of the fur-seal, male (matured); 72 skins of the fur-seal, gray pup under one year of age, sex doubtful; 804 skins of the fur-seal cow (matured).

Most all of these 804 cow skins above referred to must have been heavy with pup, and the same cut out of them when captured.

CHS. J. BEHLOW.

Subscribed and sworn to before me this 27th day of August, A. D. 1892.

[SEAL.]

L. MEININGER,
Notary Public.

Deposition of Charles J. Behlow, furrier.

STATE OF CALIFORNIA,

City and County of San Francisco, ss:

Charles J. Behlow, being duly sworn, deposes and says:

I reside in San Francisco, State of California, and am by occupation a fur merchant, and have been so engaged permanently for the last 35 years, during which time I have been constantly handling large quantities of raw fur-seal skins from all different locations, and can readily distinguish the respective quality, size, age, and sex.

Experience.

On the 15th instant I examined 194 salted fur-seal skins ex-American barkentine *J. A. Falkenberg*, from Sound Point, Alaska, and found the same to be fresh skins taken off the animal within 9 months last past, and that they were killed within the North Pacific, and as I am informed are the catch of the American schooner *La Ninfa*. Composition *La Ninfa's* catch.

On examination, I found they were the skins known as the Northwest Coast seals, and belong to the herd which have their rookeries on the Pribilof Islands. The lot contained 3 skins of the fur-seal bull, 24 skins of the fur-seal male (matured), 7 skins of the fur-seal grey pup less than one year of age (sex doubtful), 160 skins of the fur-seal cow (matured).

From the shape of these cow-skins most all of them must have been heavy with pup, and the same cut out of them when captured.

CHS. J. BEHLOW.

Subscribed and sworn to before me this 21st day of September, A. D. 1892.

[SEAL.]

CLEMENT BENNETT,
Notary Public.

Deposition of Charles J. Behlow, furrier.

STATE OF CALIFORNIA,

City and County of San Francisco, ss:

Charles J. Behlow, being duly sworn, deposes and says:

I reside in San Francisco, State of California, and am by occupation a fur merchant, and have been so engaged permanently for the last 35 years, during which time I have been constantly handling large quantities of raw fur-seal skins from all different locations, and can readily distinguish their respective quality, size, age, and sex. Experience.

On the 14th instant I examined 362 salted fur-seal skins, ex-American barkentine *J. A. Falkenberg*, from Sound Point, Alaska, and found the same to be fresh skins taken off the animal within 8 months last past, and that they were killed within the North Pacific. To the best of my knowledge and belief they are the catch of the British steam schooner *Thistle*. Composition *Thistle's* catch.

On examination, I found they were the skins known as the Northwest Coast seals, and belong to the herd which have their rookery on the Pribilof Islands. The lot contained: 1 skin of the large fur-seal bull, 28 skins of the fur-seal male (matured), 29 skins of the fur-seal grey pup less than one year of age (sex doubtful), 304 skins of the fur-seal cow (matured). From the shape of these cow-skins most all of them must have been heavy with pup, and the same cut out of them when captured.

CHS. J. BEHLOW.

Subscribed and sworn to before me this 21st day of September, A. D. 1892.

[SEAL.]

CLEMENT BENNETT,
Notary Public.

Deposition of Charles J. Behlow, furrier.

STATE OF CALIFORNIA,

City and County of San Francisco, ss:

Charles J. Behlow, being duly sworn, deposes and says:

I reside in San Francisco, State of California, and am by occupation

Experience.

a fur merchant, and have been so engaged permanently for the last 35 years, during which time I have

been constantly handling large quantities of raw fur-seal skins, from all different locations, and can readily distinguish the respective quality, size, age, and sex.

On November 7th, 1892, I examined 210 fur-seal skins ex-schooner,

City of Pueblo, from Victoria. I believe these skins wereComposition, *Favorite's* catch.taken by the British sealing schooner *Favorite*, and are the skins of seals known as the Northwest seals,

which have their rookeries on the Pribylof Islands.

The lot contains 37 skins of the fur-seal male (matured), 16 skins of the fur-seal pup (sex doubtful), 157 skins of the fur-seal cow.

From the shape of these cow skins the animal must have been heavy with pup, and the same cut out when captured.

CHS. J. BEHLOW.

Subscribed and sworn to before me this 17th day of November, A. D. 1892.

[SEAL.]

CLEMENT BENNETT,
Notary Public.*Deposition of Charles J. Behlow, furrier.*

STATE OF CALIFORNIA,

City and County of San Francisco, ss:

Charles J. Behlow, being duly sworn, deposes and says:

I reside in San Francisco, State of California, and am by occupation

Experience.

a fur merchant, and have been so engaged permanently for the last 35 years, during which time I have been

constantly handling large quantities of raw fur-seal skins from all different locations, and can readily distinguish the respective quality, size, age, and sex.

On September 26th, 1892, I examined 442 fur-seal skins, ex-schooner *Rose Sparks*, and I find these to be Northwest skins, [from the seals] which have their rookeries on the Pribilof Islands.

The lot contains 47 skins of the fur-seal male (matured), 39 skins of the fur-seal pup (sex doubtful), 356 skins of the fur-seal cow.

From the shape of these cow skins the animal must have been heavy with pup, and the same cut out when captured.

CHS. J. BEHLOW.

Subscribed and sworn to before me this 17th day of November, A. D. 1892.

[SEAL.]

CLEMENT BENNETT,
Notary Public.

Deposition of Charles J. Behlow, furrier.

STATE OF CALIFORNIA,

City and County of San Francisco, ss:

Charles J. Behlow, being duly sworn, deposes and says:

I reside in San Francisco, State of California, and am by occupation a fur merchant, and have been so engaged permanently for the last 35 years, during which time I have been constantly handling large quantities of raw fur-seal skins from all different locations, and can readily distinguish the respective quality, size, age, and sex. Experience.

On November 7th, 1892, I examined 121 fur-seal skins ex-schooner *Czarina*, and I find these to be Northwest skins from the herd which have their rookeries on the Pribylov islands. Composition *Czarina's* catch.

The lot contains 27 skins of the fur-seal male (matured), 12 skins of the fur-seal grey pup (sex doubtful), 82 skins of the fur-seal cow.

From the shape of these cow-skins the animal must have been heavy with pup, and the same cut out when captured.

CHS. J. BEHLOW.

Subscribed and sworn to before me this 17th day of November, A. D. 1892.

[SEAL.]

CLEMENT BENNETT,
Notary Public.

Deposition of Charles J. Behlow, furrier.

STATE OF CALIFORNIA,

City and county of San Francisco, ss :

Charles J. Behlow, being duly sworn, deposes and says:

I reside in San Francisco, State of California, and am by occupation a fur merchant, and have been so engaged permanently for the last 35 years, during which time I have been constantly handling large quantities of raw fur-seal skins from all the different locations, and have examined skins taken at all periods of the year. Experience.

I find that all fur seals taken both in the Bering Sea and on the islands therein, from about the 10th of August until the end of October, are what is known to the trade as stagey, meaning the animal is changing its coat, during which period its skin is very inferior in quality; in fact, almost un-merchantable. Stagey skins at sea.

CHS. J. BEHLOW.

Subscribed and sworn to before me this 18th day of November, A. D. 1892.

[SEAL.]

CLEMENT BENNETT,
Notary Public.

Deposition of Charles J. Behlow, furrier.

STATE OF CALIFORNIA,

City and county of San Francisco, ss :

Charles J. Behlow, being duly sworn, deposes and says:

I reside in San Francisco and am by occupation a fur merchant, and have been thus engaged for the last thirty-five years, Experience. handling during this time large quantities of fur-seal skins from different localities. On the date hereinafter mentioned I examined the following salted fur-seal skins with the following results:

(1) August 15, 1892, 1,294 skins, ex-American schooner *Ivanhoe*. Composition of pelagic catches.

Result: 206 male skins, 109 pup skins (sex doubtful), 979 female skins (matured).

(2) August 11, 1892, 1,603 skins, ex-American schooner *Sophie Sutherland*.

Result: One large bull skin, 18 small bull skins, 212 male skins, 139 pup skins (sex doubtful), 1,233 female skins (matured).

(3) August 18, 1892, 1,335 skins, ex-American steam schooner *Louis Olsen*.

Result: 187 male skins, 1 bull skin, 1 small bull skin, 75 pup skins (sex doubtful), 1,066 female skins (matured).

(4) August 27, 1892, 2,069 skins, ex-American schooner *San Diego*.

Result: 2 large bull skins, 2 small bull skins, 324 male skins, 101 pup skins (sex doubtful), 1,640 female skins (matured).

(5) September 28, 1892, 59 skins, ex-schooner *Kate and Ann*.

Result: 12 male skins, 2 pup skins (sex doubtful), 45 female skins (matured).

(6) November 7, 1892, 43 skins, ex *Mary H. Thomas*.

Result: 6 bull skins, 7 male skins, 5 pup skins, 25 female skins (matured).

I believe that all of the female fur-seal skins above mentioned were taken from cows heavy with pup. All sealskins above mentioned belonged to the Russian herd of seals which have their rookeries on the Commander Islands, and I am informed that many of them were taken in the waters off the coast of Japan.

CHS. J. BEHLOW.

Subscribed and sworn to before me this 23rd day of December, A. D. 1892.

CLEMENT BENNETT,
Notary Public.

Deposition of James B. Brown, longshoreman.

STATE OF CALIFORNIA,

City and county of San Francisco, ss :

James B. Brown, being duly sworn, deposes and says:

I am a resident of San Francisco, California, and am by occupation a longshoreman. For twenty years I have been Experience. been employed in the unloading of the sealskins received by the Alaska Commercial Company. Since 1876 I have been foreman of the longshoremen. Up to the time and for a year or so after I became foreman all the sealskins received were put into drays on being unloaded. Since 1879, however, all the sealskins were packed into casks on the wharf and then put into Packing of skins in drays as fast as the casks were headed. The sealskins casks.

were always in bundles and none were opened except a few which were opened by the company's officer to see what condition the skins were in. I never saw more than two skins in any bundle so opened, nor did I ever see a bundle I judged contained more than two skins. If there had been more than two skins in a bundle it would have at once been noticed because of the size and shape of the bundle. If more than two skins had been placed in a bundle it would have been more difficult to handle the cargo, and it certainly could not have been handled as rapidly as it was by us. As we brought the skins up from the hold a custom-house officer and the first officer of the vessel tallied the number of skins before we put them on the wharf. I also superintended the unloading of all the furs received by the Alaska Commercial Company, and among others the sealskins received from the Commander Islands. The bundles received from the latter were of much the same shape as those from the Pribilof Islands. Among those bundles which were opened I never saw one that contained more than two skins, or a bundle I thought contained more than that number. The same rule as to counting and packing in casks was followed in relation to the skins from the Russian side as was followed in relation to the Alaska skins.

Bundles contain only two skins.

Same with skins from Commander Islands.

JAS. B. BROWN.

Subscribed and sworn to before me this 16th day of November, A. D. 1892.

[SEAL.]

CLEMENT BENNETT,
Notary Public.

Deposition of William Healy Dall, scientist.

DISTRICT OF COLUMBIA,
City of Washington, ss :

Personally appeared before me William Healy Dall, of Washington aforesaid, who, being duly sworn, deposes and says:

I learn that I have been quoted in the report of the British Bering Sea Commissioners for the purpose of proving that coition at sea is practiced by the seals. In connection therewith I have to say that my statements as to copulation in the water rest largely upon assumption. Young bachelor seals are seen to chase females leaving the rookeries and to play with them in the water; pairs of seals are seen engaged in a sort of struggle together and to remain caressing each other or apparently quiescent, sometimes for as much as an hour. From such facts, which I myself with others observed and reported, it was considered not unlikely that these seals were of opposite sexes, and that they were engaged in copulation, and, in the absence of definite information to the contrary at that time, I so stated to Dr. Allen, who made use of the note on p. 100, Vol. I, of the Bulletin of the Museum of Comparative Zoölogy. But it would be dangerous to rely upon these observations thus casually made, at a time when seal life was not so well understood as now, to prove that coition in the water is practiced. I never had an opportunity to assure myself that the pairs of seals seen playing were of opposite sexes, or, if they were, that their play was of a sexual nature, or if it was, that the act was complete and effective. There does not seem to be any way in which any one of these matters can be definitely proved. Even if they were shown to be possible and to occur at times, the general belief in it by casual observers at one time, myself among the number, was always, as far as

Coition in the sea.

I know, coupled with the opinion that it was an exceptional and abnormal occurrence.

Allusion having been made to the absence of excrementitious matter upon the breeding grounds, I may observe that the excrement of the seal being of a liquid nature and never solid as in allied terrestrial animals it sinks into the ground or is otherwise dissipated by the seals themselves passing over it, but its existence and in enormous quantities is evident to the most casual observer, if by no other means, from the intense ammoniacal odor which may be perceived at a long distance, and which renders a stay in the vicinity of the rookery most uncomfortable and offensive for any one having a delicate sense of smell. I have on many occasions observed personally the voiding of excrement upon the breeding grounds, and it seems impossible that any one should be in their vicinity for ten minutes without detecting the presence in great abundance of excrementitious matter, which is mingled with and forms part of the soil.

WM. H. DALL.

Subscribed and sworn to this 14th day of Decr., 1892.

[SEAL.]

SEVELLON A. BROWN,
Notary Public.

Deposition of M. C. Erskine, master mariner.

STATE OF CALIFORNIA,

City and County of San Francisco, ss :

Captain M. C. Erskine, being duly sworn, deposes and says:

I have been in the employ of the Alaska Commercial Company since

Experience.

the organization thereof, as captain of the supply steamer of said company, which carried supplies to the Pribilof Islands and other stations of the company in Alaska, and which also brought down annually to San Francisco the fur-seal skins taken on the Pribilof Islands by the said company as lessee thereof. From 1870 to 1875, inclusive, I was in command of the company's steamer *Alexander*, and since 1875 I have been in command of the company's steamer *St. Paul*. The *Alexander* was not large enough to bring down the full quota of one hundred thousand sealskins in one cargo, so that it was at that time customary for me to bring down from forty to fifty thousand skins to Unalaska, where they were transhipped by another vessel to San Francisco; I then used to return to the Pribilof Islands, take on the remaining skins, and proceed directly with them to San Francisco; since 1875 I have with the *St. Paul* brought down to San Francisco all the fur-seal skins taken on the Pribilof

Shipment of skins
from islands.

Islands while the Alaska Commercial Company was lessee thereof. All the seal-skins delivered to me on the *St. Paul* from the Pribilof Islands were in bundles, except now and then a few which were bundled on board of said vessel, never more than two skins being placed in a bundle. When the bundles and the few extra skins were placed in the lighter at the islands to be taken on board of my vessel the Government officer always counted them, and when they were hoisted on board the vessel they were again counted as they came over the side by my first officer. On arriving at San Francisco the vessel was unloaded at the wharf and the bundles again counted by a custom-house officer as they were brought up from the hold and also by an employé of the Alaska Commercial Company. All the bundles were, since 1879, packed in casks at the wharf where

they were unloaded. Each cask was there headed, marked as to its weight and the number of skins it contained (two skins being allowed to each bundle), and then taken directly to the railroad station and shipped to London.

On the arrival of my vessel at the port of San Francisco several bundles of skins were regularly opened to inspect the manner in which they were packed. I never saw more ^{Never over two skins in a bundle.} than two skins in a bundle, nor do I believe that it would be possible to put more than two skins in a bundle in such a manner that the fact would not be evident to the most casual observer. I never saw a bundle among almost two millions such, which my vessel has carried, which I believe contained more than two skins. I have in a few cases seen only one large skin in a bundle, but this was in all cases done by the natives, who were paid so much for each bundle which they tied up, and thus increased their pay slightly. None of the bundles were ever opened on board ship, except in a few instances a bundle becoming loose it became necessary to rebundle them, but all the bundles so opened contained only two skins, and only two skins were put in a bundle when they were again tied up.

Prior to 1876 all skins were either transferred to another vessel in the harbor of Unalaska, landed at said port or at San Francisco. Since that time all my cargo of fur-seal ^{Transfer of skins from company's steamer.} skins have been landed at the wharf in San Francisco, and in all cases such transfer or landing was made under the supervision and direction of a United States custom-house officer. No sealskin was ever transferred to any other vessel from my vessel anywhere, excepting in the port of Unalaska, as aforesaid. No seal-skin was ever landed at any other point or points than Unalaska and San Francisco, as above stated; and all sealskins ever transferred or landed from my vessel were so transferred or landed under the direct supervision of the customs authorities of the United States.

I would further state that never during any one year of the period from 1870 to 1889, inclusive, did I, to my knowledge or belief, bring away from said Pribilof Islands over one ^{Number of skins brought away from islands.} hundred thousand fur-seal skins, and in some years the quota was short several thousands of reaching said number.

M. C. ERSKINE.

Subscribed and sworn to before me this 15th day of November, A. D. 1892:

[SEAL.]

CLEMENT BENNETT,
Notary Public.

Deposition of Walter H. Ferguson, master mariner.

STATE OF CALIFORNIA,

City and County of San Francisco, ss:

Captain Walter H. Ferguson, of San Francisco, being duly sworn, deposes and says:

I have followed the sea as a profession for twenty years and have been master of a vessel for seven years. I have ^{Experience.} made two voyages to Alaskan waters, one on the Russian and one on the American side. For the last six years I have made a careful study as to the location of the winter resort of the Alaskan fur-seal herd, my object being to fit out a vessel and make a ^{Winter resort of Alaskan fur-seal.} catch of seal during the winter months. In order to locate the winter resort during these six years I examined several logs

of ships on voyages from Japan and China to the northwest coast of America, and also received information from others in San Francisco and New York who questioned masters coming over the same route. I further studied the charts of the North Pacific Ocean as to currents, winds, etc., and read all the books and articles which had any bearing on the question and to which I had access.

All reports tend to show there must be an immense feeding-ground between latitude 40° and 42° north, and extending from longitude 172° west to 135° west. All vessels reported at different places in this area discolored water with the appearance of shoalwater, but upon sounding no bottom has been found except at a great depth. The reports of these vessels all show for the months of November, December, and January large bodies of fur-seal in this locality. I, myself, passed over this area in the latter part of August, 1891, in the brigantine *Tahiti*, and found at various points from 172° west to 162° west on the 41st parallel the appearance of discolored water; sounding, I could obtain no bottom at 200 fathoms; the appearance of the water being of a very light color, I am convinced that these patches of discoloration are banks of floating feed, which, from my examination of the currents in that section, are kept in that portion of the ocean by branches of the ocean currents. At the time I passed through these waters there were no seals in sight, it being too early in the season; but I found at various points large flocks of sandpipers, kingfishers, and other birds; this is further evidence of the presence of feed in this locality, or of small surface fish.

My opinion is that, on leaving the Bering Sea, the Alaskan herd proceeds due south until it reaches this feeding ground, and then by degrees works eastward, following along this area until they begin to appear again off the coast of North America in January and February.

The only reason I have not fitted out a vessel to seal in these waters is that other business has each year prevented me; but I am certain that if I had been able to embark in such an enterprise I should have made a good haul of seals during the winter months.

In the latter part of April, 1884, I was on the whaler *Caleb Eaton*, bound from Honolulu for the Arctic Ocean, about 200 miles south of the Amukta Pass. In this locality we met quite a number of large fur-seals, having the appearance of bulls, which appeared to be travelling to the northward. My opinion is they had been in this feeding ground I have mentioned, wintered there, and were returning to their home on the breeding islands.

W. H. FERGUSON.

Subscribed and sworn to before me this 18th day of November, A. D. 1892.

[SEAL.]

CLEMENT BENNETT,
Notary Public.

Deposition of Nicholas A. Grebnitzki, Russian military chief of the Commander Islands.*

I, Nicholas A. Grebnitzki, Russian military chief of the Commander Islands district with the rank of Colonel, make the following statement:

I have been residing on the Commander Islands and have directed	
Experience.	all sealing operations there for the last fifteen years, and during this whole period have been absent from

* No written evidence having been produced in the report of the British Commissioners in support of the various views attributed to Mr. Grebnitzki, the United States have deemed it desirable to obtain from that official a written expression of his views upon seal life in general.

the islands but very little. I have carefully observed seal life, the condition of the rookeries, and the method of taking seals at all seasons and under all conditions, with the object of keeping the Russian Government thoroughly informed as to its sealing interests and the proper management of the same.

While I have never had the opportunity to examine the Pribilof Islands seals, yet I do not hesitate to express the opinion that that herd and the Commander Island herd are distinct and do not mingle at all. There are some natives on the islands who are familiar with both, and who state that there is a marked difference in the animals. Besides, my studies as a naturalist enable me to state that it would be contrary to all reason to suppose that they mingle with one another. The Commander herd approaches very closely to the Robben Island herd in winter, and yet it does not mingle with it. Of this I am sure, for I have charge of Robben Island as well as of the Commander Islands, and know the skins of the two herds to be different. The skin of the Commander seal is thicker, has coarser hair, is of a lighter color, and weighs about 20 per cent more than a Robben skin of the same size.

It is wholly improbable that the seals of the Commander herd visit any land other than the Commander Islands. I believe they regard these as their home, these islands being peculiarly adapted to their needs at the period of bringing forth their young and of breeding. The fact that the Robben Island herd still frequents Robben Island to the exclusion of any other land, notwithstanding it has been subjected there to the utmost persecution, shows to my mind conclusively that the presence of man will not prevent a seal herd from returning to the same land year after year. Even if isolated cases have occurred (I know of none) in which, for various causes, a few of the Commander Island seals reached other shores, such exceptions would not disprove the general rule above stated. I can readily understand that a female which had been wounded in the water might be subject (*sic*) to seek the nearest land and there give birth to her pup.

Annually, at almost stated periods, they arrive at the islands and immediately proceed to occupy the same grounds which have been occupied during past years in a way which makes it impossible to doubt that they are familiar with the locality. I believe that at some time during the year every seal comes ashore. There is no reason to believe that a certain number of any class remain swimming about in the neighborhood of the islands all summer without landing, although there is considerable difference in the time at which different classes arrive.

Soon after landing at the Commander Islands those cows which were fertilized the year previous give birth to their young. A cow does not, except in very rare instances, give birth to more than one pup in a season. The birth of pups can only take place on shore. Cows never arrive at the islands with new-born pups. But the impossibility of birth in the water is best proved by the fact that the pup when first born is purely a land animal in all its habits. It does not voluntarily approach the water till it is several weeks old, and then it is obliged to learn to swim. A surf will sometimes wash the young pups off the rocks, when they are sure to be drowned. The pups cannot swim at birth, but must be taught by their mothers. A pup would drown if thrown into the sea before learning to swim.

No mingling of seal herds.

Herds resort exclusively to own breeding places.

Annual arrival of seals.

Birth of young.

Swimming of pups.

Copulation in the water I believe to be impossible, for the act is violent, of long duration, and in general character similar to that performed by land animals.

Pelagic copulation impossible.

I believe that the seals leave the vicinity of the islands mainly on account of the severity of the winter. Of course I do not mean to say that they would remain on shore all the year round, as many of them do throughout the whole of the summer, for they would be obliged to take to the water to obtain food. What I mean is that they would not go so far away as they now do, but would remain around the islands and thus give additional proof of the unquestionable fact that they regard them as their home. I base this statement upon the fact that during mild winters I have myself seen them in large numbers off the Commander Islands. They are often reported about 50 miles south of the westernmost of the Aleutian Islands and the Kamchatka coast. This would be in accord with the habits of the seals of the southern hemisphere, which, I am informed, are found in the same locality more or less at all seasons. The seals generally leave the Commander Islands by the middle of November, by which time it has become cold and stormy; but in mild winters they have been on the islands as late as December.

Departure of seals—cause therefor.

I do not think that fur-seals should be classed with wild animals any more than sheep or cattle when out on large pasturing grounds. Seals, unless needlessly frightened, become more or less accustomed to the sight of man amongst them on the rookeries, and while on land are at all times under his complete control. A few men can drive a large number of them without difficulty. They are intelligent to a very high degree, and can be made to become in a short time pets. The breeding males, or bulls, are alone aggressive.

Seals and wild animals.

Seals are polygamous, and the powers of fertilization of the male are very great. Since the births are about equally distributed between males and females it follows that under natural conditions there would be a great excess of male life over that actually needed for the propagation of the species; and it is, as in the case of so many other animals, for the positive benefit of the herd as a whole that a portion of this excess of male life be killed off before it is of sufficient age to go on the rookeries. If not killed off the competition by the bulls upon the rookeries for females would be destructive of much life. This competition is already fierce enough.

Seals polygamous; hence excess of males.

Killing excess of males advantageous.

During some of the years prior to the time of my arrival on the islands there had been considerable indiscriminate killing of seals without regard to age or sex. But during the fifteen years of my management of the Commander Islands rookeries all seals which have been killed constituted a portion of the excess of males above referred to and known as "bachelors" or "holluschickie." This is why the rookeries are to-day in a much better condition than when I first went to the Commander Islands, notwithstanding that until the year 1891 a gradually increasing number of largeskins has been taken. From 1886 to 1890 the average annual catch was about 50,000, the skins all being large. The last two years I have reduced the catches, because I now think 50,000 skins somewhat in excess of what the rookeries can yield and for other causes which I will mention later. I feel very sure that the great cause of this

Increase followed introduction of improved methods.

Pelagic sealing compels reduction in land catch.

diminution is pelagic sealing.

This year I have counted over 3,500 skins seized on poaching vessels and have found 96 per cent to be skins of females. These were skins taken from Commander Island seals.

Asiatic pelagic catch 96 per cent females.

As to skins taken near Pribilof Island, I counted the skins seized in the *Rosa Olsen* and found two-thirds ($\frac{2}{3}$) of them were skins of females. These were taken, as the log book of the *Rosa Olsen* shows, over 80 miles from shore.

I consider it a false argument to say that the killing of a proper portion or the excess of male life is bad, merely because it is an interference with the order of nature. If not interfered with nature will produce an overpopulation of the rookeries, which would, of course, be a bad thing. By the present mode of killing a certain number of young males population is regulated. No facts can be brought forward to show that this method is not the right one. Past experience shows that it is right.

Killing excess of males advantageous.

The method is not proved to be bad by showing that during some years too many males may have been killed, and that the rookeries have thereby suffered. When such mistakes have been made they can be corrected by reducing the number of males to be killed for a few years; for the most absolute control can be exercised over the herd while it is on land. I claim that the method now pursued, when executed under proper regulations, is in theory and practice the only one by which sealing can be carried on commercially without injuring the vitality of the herd and its ability to maintain its numbers at the proper limit. It does not cause the seals to change their habits in any way, and I do not believe that even an excessive killing of young males on the islands would have the effect of altering the habits of the female seals with regard to landing, and cause them to remain about the islands instead of coming on shore.

Control only possible on land.

Methods now employed perfect.

Seal habits not affected thereby.

Cows, except, perhaps, in rare cases of accident or for scientific purposes, are never allowed to be killed on the islands, and the reason for this is that all cows are needed for breeding purposes. To kill, therefore, any cow except a barren one (and there are few barren ones except amongst the very old cows) inflicts a much greater injury on the herd than the loss of a single life. It is not true that because it is proper to kill a certain number of males it is also proper to kill a certain number of females. But assuming that it might at some time become desirable to kill some females, it would still be wholly improper to kill them without regard to size or condition, as is the case when they are killed in the water.

Cows not killed on land.

There is at the present time upon the Commander Islands an abundance of male life for breeding purposes, and there is no fear that any female will not be served from lack of virile males. On the other hand it is undoubtedly true that there were in 1892 relatively fewer females than in former years, and I attribute this to two causes, first, to killing of seals in the water, and, second, raids upon the Islands. The first of these causes is by far the more important.

Virile males abundant.

Females diminished by pelagic killing and raids.

The raids have, owing to the great amount of foggy weather, taken place to a certain extent notwithstanding the greatest precautions to guard against them. The raiders kill males, females, and pups without discrimination. But however injuriously the raids have affected the rookeries, still they are of much less importance than the killing of

Pelagic killing
threatens extinction
of herd.

Commander Island seals in the water. During the past two summers, and especially during the last one, this killing in the water has become so great that if allowed to continue in future years the herd will be in danger of ultimate extinction.

I do not know exactly how wasteful this method may be from the fact that all the animals wounded or killed are not captured, though I am told that much loss occurs in that way and I know that under certain conditions a seal shot dead will sink at once. I can state positively, however, from actual experience and personal examination, that a vast proportion, fully ninety-six per cent, of the skins taken by this method during the present year are those of female animals. In addition a certain number of the skins so taken are those of very young seals, probably of both sexes, such as are never killed on land.

Pelagic killing
wasteful.

Sinking.

Pelagic catch 96 per
cent females.

Very few of the females killed are barren, no matter when or where they are killed. Females taken early in the season are generally heavy with young, in which condition they travel slowly as compared with the other seals. The killing of such a female involves, of course, the immediate loss of two lives. But even when the female is taken after she has been on shore and given birth to her young, this same result follows eventually, for a seal will suckle only her own pup, and the pups are for the first three to five months dependent altogether on their mothers for food. Consequently when the mothers, who after the birth of their pups leave the rookeries in search of food (traveling sometimes considerable distances, I do not know exactly how far), fail to return their pups must necessarily die.

Few barren cows
killed.

Two deaths for
every bearing female
killed.

Cow suckles only
own pup.

There are always a few dead pups to be found on the rookeries whose death is not due to that of their mothers; but during the last year or two a greater number of dead pups have been actually noticed than heretofore and have attracted the attention of all persons on the islands who are at all familiar with seal life. It can not be successfully contended that they all died of natural causes. There is no disease among the Commander Island seals; and while a certain number of young pups are always exposed to the danger of being crushed to death (but not as a result of the drives which are made to collect seals for killing), or of being drowned by the surf, yet these causes of death will not account for the greater mortality of pups which took place during the past summer. Besides, the bodies of the dead pups I refer to are those of starved animals, being greatly emaciated.

Dead pups increased.

It is chiefly during the next few years that the effects of the recent killing of females will become most noticeable, because many of the pups which in those years would have become bachelors, or "holluschickie," have never been born, or died soon after birth.

Effects of pelagic
killing.

With regard to the driving of the seals from the beaches to the places of slaughter, while it does not benefit them, yet I believe that there are very few cases in which it does them any harm, even if they are redriven. I am sure it does not render them impotent. It should be remembered that, unlike the hair seals, they are fairly adapted to movement on land, as is proved by the fact that they are in some cases actually driven considerable distances over ground that is both rough and steep.

Driving.

Since the killing of seals in the water is wasteful and in every sense contrary to the laws of nature (which require that special protection be afforded to the females and young of all animals), I am of the opinion that it should be entirely forbidden. If it is only partly suppressed or prohibited within a certain distance from the islands the evil would not be cured, although its effects might be less noticeable; for the killing of females, many of them heavy with young, would necessarily continue, since all experience shows that female animals always constitute the chief catch of the open-sea sealer.

NICHOLAS A. GREBNITZKI,
District Chief of the Commander Islands,
District St. Petersburg.

26 November-8 December, 1892.

UNITED STATES CONSULATE-GENERAL,
St. Petersburg, December 8, 1892.

I, J. M. Crawford, consul-general of the United States at St. Petersburg, do hereby certify that Nichola A. Grebnitzki, military chief of the Commander Islands, appeared before me this day and declared, under oath, that all the statements contained in the foregoing article, consisting of twenty-five (25) pages, are, to the best of his knowledge and belief, strictly true, including the substitution of the word "males" for "seals," on page 14, line 18; the substitution of the word "males" for "seals" on page 16, line 16; the substitution of the word "males" for "seals," on page 17, line 8; the omission of the word "to" on page 19, line 18, and the addition of the words "considerable distances" to line 6 of page 24.

[SEAL.]

J. M. CRAWFORD,
U. S. Consul-General.

December 8, 1892.

Deposition of Max Heilbronner, Secretary of the Alaska Commercial Company.

STATE OF CALIFORNIA,

City and county of San Francisco, ss:

Max Heilbronner, being duly sworn, deposes and says: I am a resident of San Francisco, California, and am secretary of the Alaska Commercial Company, which position I have held since 1882, prior to which time I acted as Assistant Secretary for said Company. I am thoroughly familiar with the books of said Company and the methods employed in counting the sealskins received by said Company from the Pribilof Islands during the term of the lease of said islands to said Company.

I hereto append a comparative statement of the various counts of fural skins taken on the Pribilof Islands by said Company for each year from 1870 to 1889, inclusive, as the same appears on the books of said Company; the column entitled "Island Count," represents the number of skins appearing in the invoice made out by the Company's Superintendent on the Pribilof Islands and delivered to us on the arrival of the vessel transporting the skins to San Francisco; it gives the count of each season's catch as made by the Government officials and Company's agents on the Pribilof Island; the second column entitled "Inspector's Count" represents the number of skins reported to the Collector of Customs of the United States by the Inspectors of Customs who counted

Prohibition pelagic sealing urged.

Experience.

Comparative statement of counts of skins from 1870 to 1889.

the skins as they were unloaded from the vessel at the wharf in San Francisco; duplicates of said reports being given to the Alaska Commercial Company; the third column entitled "Packing Count" represents the number of skins reported by the employes of said Company as the same were counted when being packed in casks for shipment to London; and the fourth column entitled "London Sales" represents the number of skins, as counted by C. M. Lampson & Company and so accounted to us after the sale and delivery of the same for said Alaska Commercial Company; all reference herein made to skins refer to the fur-seal skins taken on the Pribilof Islands under the lease of said Islands to the Alaska Commercial Company.

And deponent further says:

That the seals killed between August 1st and the first to the tenth day of June following were for food; that the skins of such seals killed which were received were counted in the quota for the year following said first day of August; that is, the fiscal year of the Alaska Commercial Company for sealing began on or about the first day of August in each and every year of their lease of the Pribilof Islands, and the column entitled "Island Count" therefore represents the skins received during such fiscal year and shipped from said Islands; that the tables of seal killings attached to my affidavits dated, respectively, May 11 and May 12, 1892, represent the number of seals killed and received by said Company during each calendar year from 1871 to 1889, inclusive; that the 3,448 skins put down in the "Island Count" for the year 1870 do not appear in the aforesaid tables, as they were taken before the commencement of the actual workings of the lease of the Pribilof Islands to the said Alaska Commercial Company.

Comparative statement of different counts of Alaska sealskins from 1870 to 1889, inclusive.

Year.	Island count.	Inspectors' count.	Packing count.	London sales.	Remarks.
1870	3,448	3,448	3,480	3,474	101,425 includes skins retained from previous years. 3,906 skins retained and sold in 1873. Includes above noted 3,906 skins.
1871	100,000	99,841	101,316	101,425	
1872	100,000	99,975	96,099	96,280	
1873	99,937	99,744	103,755	103,724	Skins accounted for in 1871.
1874	99,924	99,998	100,015	99,991	
1875	99,956	99,976	100,140	100,134	
1876	90,000	89,964	90,283	90,271	
1877	75,526	75,526	75,419	75,410	
1878	99,964	99,980	99,998	100,037	
1879	100,000	99,962	99,960	100,036	
1880	100,000	100,036	100,162	100,161	
1881	99,915	99,766	99,754	99,921	
1882	100,000	99,922	99,986	100,009	
1883	75,000	75,000	75,076	75,061	
1884	99,962	99,960	99,942	99,993	
1885	99,996	99,850	99,990	99,924	
1886	99,980	99,982	99,872	99,947	
1887	100,000	99,954	99,877	99,950	
1888	100,000	100,012	100,020	100,037	
1889	100,000	100,000	100,002	100,031	
			1,845,116	1,845,906	Skins accounted for in 1871.
			1,400	1,400	
	1,843,608	1,842,896	1,843,716	1,844,506	

MAX HEILBRONNER.

Subscribed and sworn to before me this 18th day of November, A. D. 1892.

[SEAL.]

CLEMENT BENNETT,
Notary Public.

YERKES UNIVERSITY
HISTORICAL SOCIETY
LIBRARY

Comparative statement of assortment, weight, and prices realized on Alaska sealskins, 1874 to 1889.

[illegible]

NOTE.—The upper figures [those preceded by an asterisk] in the column of "Average price in London" are from preliminary telegraphic reports, while the lower ones represent, respectively, the actual average price as ascertained from account of sales.

[NOTE.—Twelve additional columns showing percentages and based on the foregoing tables have been omitted for the sake of brevity.]

Deposition of Max Heilbronner, secretary of the Alaska Commercial Company.

I, Max Heilbronner, secretary of the Alaska Commercial Company, solemnly swear that the foregoing "Comparative statement of assortment, weights, and prices realized on Alaska sealskins 1874 to 1889," was compiled and formulated by me from the records of the Alaska Commercial Company now in my custody, and is correct and true, according to my best knowledge and belief.

MAX HEILBRONNER,
Sec'y of Alaska Commercial Co.

Subscribed and sworn to before me, at San Francisco, this 4th day of May, A. D. 1892.

[SEAL.]

CLEMENT BENNETT,
Notary Public.

Deposition of N. Hodgson, sealer.

Personally appeared before me N. Hodgson, who deposes and says:
I am twenty-four years old. I am a native of Ontario, Canada, and at present a resident of Port Townsend, Washington. I am a seal hunter by occupation and have made five sealing voyages to the North Pacific Ocean and Bering Sea. I have handled a great many sealskins and can upon examination of the pelt distinguish the sex of the animal, except in the case of animals under two years of age; these can not always be distinguished. I examined carefully this day four hundred and twenty sealskins on board the British sealing schooner *Henrietta*, which were taken in Bering Sea during the month of August, 1892, and find to the best of my knowledge and belief the proportion of the sexes to be as follows: Females, three hundred and sixty-one; males, thirty-three; young, the sex of which could not be distinguished, twenty-six.

Experience.

Composition *Henrietta's* catch.

N. HODGSON.

Subscribed and sworn to before me at Sitka, Alaska, this 21st day of September, 1892.

[SEAL.]

C. L. HOOPER,
Notary Public, District of Alaska.

Deposition of C. L. Hooper, captain, United States Revenue Marine.

DISTRICT OF COLUMBIA,
City of Washington, ss.:

Personally appeared before me C. L. Hooper, who deposes and says:
From the investigations concerning seal life at sea, personally conducted by me, in the North Pacific during the months of March, April, May, and June; in Bering Sea during the month of August and part of September; in the vicinity of the Aleutian Chain during the month of October and part of November, as well as from the experience obtained in six other

Draws conclusions hereinafter stated.

cruises in Alaskan waters and in Bering Sea, I draw the following conclusions:

There were fewer seals to be seen in the water in the vicinity of the Pribilof Islands during the summer of 1892 than in 1891.

At least 75 per cent and probably 80 or 90 per cent of the seals in Bering Sea, outside of a narrow zone around the seal islands, are females, 75 per cent of which are nursing mothers and the remaining 25 per cent virgin cows, too immature for bearing.

If barren cows exist at all they are rare. I have never known or heard of but one instance.

In Bering Sea mothers go long distances, as far as 200 miles from the islands, to feed, codfish furnishing the bulk of their food.

They sleep much in the water, are not timid, and are readily taken; and their death means the destruction of three lives—the mother, the fœtus, and the pup on the breeding grounds. The past season is the first in several years that such deaths among the pups have not occurred from this source.

At least 70 per cent and probably 80 or 90 per cent of any catch in Bering Sea will be females, either actually bearing or capable of bearing at no distant day. This is borne out by the character of the skins of the *Henrietta* seized last summer for the violation of the *modus vivendi*. The captain informed me that nearly all the skins taken were those of male seals. Under my direction an examination was made of these skins by N. Hodgson, a man of experience, in whom I have entire confidence. The catch, as shown by the log and sealing book of this vessel, was made in Bering Sea and consists of 420 skins, 361 of which were found to be females, 33 males, and 26 those of seals too young to determine the sex.

For every 100 seals, the death of which results from pelagic hunting, not more than 65 or 75 skins are secured.

The female seals are widely distributed over the sea, and hence the establishment of zonal areas would afford no protection, while the maintenance of such areas would be rendered impossible by climatic conditions.

There is a wide belt of 200 or 300 miles between the Commander and Pribilof groups of islands which are devoid of seals, and hence no commingling of the herds occur.

There is no foundation for the statement that, during the summer months, there are found in Bering Sea bodies of seals which are independent of, unattached to, or do not visit the Pribilof islands.

The annual migration is caused by climatic conditions and feed supply.

The old bulls are the first to leave the islands, and most of them, together with many half bulls and large bachelors, remain in the waters of Bering Sea and off the coast of Alaska during the entire winter, individuals rarely being found south of the 55th parallel.

The major part of the herd, consisting of females and their pups and young males, begin to migrate about the end of October, and by January 1st all of them have begun their migration. These dates are somewhat earlier or later, according to the season.

Those that leave earliest go furthest South, arriving on the coast of California, and those leaving later reach the coast further up. Their arrival is coincident with the coming of the smelt, herring, and eulichan, upon which they feed.

On reaching the coast their migration route is continually towards the islands, but following the general trend of the coast, the inner

limit being about twenty-five miles off shore and the outer limit from 75 to 100.

As this migration progresses, there is a bunching up of the herd, but the seals travel independently and not in bands or schools.

The migration route is from the Pribilof Islands through the passes across to the coast, up the coast and across the northern sweep of the North Pacific to the Aleutian Chain, and through the passes again to the islands.

There is no foundation in the statement that the Pribilof fur-seals which migrate have a winter home off any coast. They appear at about the same time off a long line of coast, reaching from California to Washington. When they are so found they are known always to be moving northward up the coast.

The herd, by reason of hunting at sea, has steadily diminished, and such hunting will ultimately destroy the herd unless prohibited in the North Pacific and Bering Sea, for, no matter how small the annual catch may be, there is a possibility that the hunt will always be encouraged by the higher prices resulting from the decreased catch, as in the case of the sea otter.

C. L. HOOPER.

Subscribed and sworn to before me this 13th day of December, 1892.

[SEAL.]

SEVELLON A. BROWN,

Notary Public.

Deposition of H. H. McIntyre, superintendent of the Pribilof Islands.

DISTRICT OF COLUMBIA,

City of Washington, ss.

H. H. McIntyre, of West Randolph, Vt., being duly sworn, deposes and says:

I have stated in former depositions my connection with the sealeries of Alaska and opportunities for knowledge concerning them.

When the breeding male seals first arrive upon the islands in the spring they are much more timid and easily disturbed

than at a later period, and might perhaps be then driven from their chosen places upon the rookeries, but at a later date, when their relation to their neighbors are fairly established and the cows begin to arrive, no amount of force will dislodge them, and they will die in defense of their harems rather than desert them. Stampedes of seals.

In June, 1872, I carried a photographer's camera near the Reef Rookery on St. Paul Island, and while focusing the instrument with my head under the black cloth, and the attention of my attendant was diverted, two old bulls made a savage assault upon me, which I avoided by dodging and running. The camera was left where I had placed it and could not be recovered until seal clubs had been sent for and one of the bulls killed and the other knocked down and stunned. The throwing of stones and noisy demonstrations had no effect whatever upon them. This experience only emphasized what I have observed on many occasions upon the islands. The female seals are more timid, and upon the near approach of man show signs of fear and generally move towards the water, but their flight is resisted by the bulls, and before impregnation they rarely succeed in escaping. After this occurs the discipline of the harem is relaxed and the females go and come at will.

I neither saw nor heard, in my twenty years' experience as superintendent of the sealeries, of any destruction of pups by reason of stampedes of seals. But I have occasionally witnessed the death of pups from being trampled upon by the old bulls during their battles for supremacy. This is, however, of rare occurrence. Even if stampedes occurred, the light bodies of the females, averaging only 80 or 90 pounds, would pass over a lot of pups without seriously injuring them.

Later in the season, after the old males have been superseded on the rookeries by the younger ones, the pups are already able to avoid being run over, and, as a matter of fact, the death of pups upon the rookeries from any cause whatever prior to the advent of pelagic sealers in Bering Sea was so rare as to occasion no comment.

It was not customary to drive from any points near enough to the breeding rookeries to cause stampedes, and even if this had been done, I do not think any injury to the rookeries would have been occasioned by it. It might cause some of the cows to move away, but they would soon return again.

It is very difficult to determine the average number of females properly assignable to a single male, and difficult even to ascertain how many there are in any given family, because the boundaries of the groups are never well defined, and such as would be said by one observer to belong to a certain bull would be declared by another to be in a different harem. The surface of the ground mainly occupied as breeding rookeries is very irregular. Harems sometimes run together. Ledges, boulders, and lava rocks hinder the uniform mapping of the family groups, and it is not difficult, therefore, to select certain spots and count a number of female seals which appear to be unattached to any male. On the other hand, there are often found full-grown males upon the rookeries at all seasons with no families, and a still larger number with from one to five females each. Such variations have always occurred.

With our present knowledge of seal life, it is impossible to judge with any degree of accuracy how many females may safely be referred to a single male. But, by analogy, it is a very much larger number than has frequently been named as a fair average. Horse-breeders regard a healthy stallion as capable of serving from forty to fifty mares in a single season; cattle-breeders apportion at least forty cows to a bull, and sheep-raisers regard from thirty to forty ewes as not too many for a single ram, and in the latter case, at least, the season of service is no longer than that permitted to the male seal. I think it would be safe to place an average of forty to fifty seals to a harem as not excessive.

It is not unusual during the early years of the Alaska Commercial Company's lease to find exceptionally large harems containing from fifty to a hundred females each, but we saw no reason to doubt that they were fully served by the male.

The erroneous idea seems to have gained lodgment that during the first decade of the lease a reserve of breeding seals was kept on certain rookeries, and that towards the end of this decade it became necessary to draw on these rookeries because killing 100,000 seals per annum had been too much of a drain upon the herd. This has no foundation in fact. In the early years of the lease the transportation facilities upon the islands, both by land and water, were very limited, and, as the Government agent in charge (Captain Bryant) did not object, we consulted our convenience and drove more frequently from near-by rookeries, but at all times worked

Extension of driving areas.

the more distant rookeries more or less frequently, as appears by the Seal Island records. His successors in office theorized that all the rookeries ought to be worked in regular rotation, and so directed. We therefore increased our number of boats and mule teams in order to transport the skins from distant points, and complied with his orders. But we did not do this because of any scarcity of killable seals; no scarcity occurred until pelagic sealing had already made serious inroads. There was no such thing ever thought of upon the islands as "reserves of seals," nor was any different practice pursued in respect to driving from year to year, except that all rookeries were worked more systematically after the first few years of the lease.

In the early years of the first lease a few of the bundles of sealskins shipped from the Pribilof Islands may have weighed as much as 60 pounds, but I would not undertake to say Weight of bundles. that I have seen any weighing as much. If there were any the explanation is as follows: The skins in such bundles were those of small wigs, and such skins were bundled together so that the flesh sides should be covered completely and no overlapping edges left.

Excrement is voided by the seals upon the rookeries as often, I think, as by other carnivorous animals. Those who assert the contrary apparently expect such discharges as they Excrement on rookeries. were accustomed to see in the track of the herbivora.

The excrement of the seals is of very soft, often semifluid consistency, and in the porous soil, or on the smooth rocks, is easily brushed about by the trailing flippers of the seals and lost sight of. Their food is chiefly fish, which is highly organized and contains very little tissue that is not absorbed and assimilated. The excrement, therefore, is limited in quantity, even when the animal is full fed, and from its nature and surroundings easily overlooked.

H. H. McINTYRE.

Subscribed and sworn to before me this 16th day of December, 1892.
[SEAL.]

SEVELLON A. BROWN,
Notary Public.

Deposition of John Malowansky, agent of lessees of Commander Islands.

DISTRICT OF COLUMBIA,
City of Washington, ss:

John Malowansky, being duly sworn, deposes and says, with reference to the sections of the Report of the British Bering Sea Commissioners hereinafter named, as follows:

SEC. 283. The seals which are killed for skins on the islands have been arriving later during the last two years. The killing time has been extended two to three weeks. No alteration in the date of arrival of females or of birth of young has been noticed.

SEC. 296. No one on the Commander Islands believes that coition ever takes place in the water.

SEC. 431. I have never heard the natives or anyone else on the Commander Islands report that there were barren females or females without young.

JOHN MALOWANSKY.

Sworn to and subscribed before me, this 13th day of December, 1892.
[SEAL.]

SEVELLON A. BROWN,
Notary Public.

Deposition of John Malowansky, agent of lessees of Commander Islands.

STATE OF NEW YORK,

City and County of New York, ss:

John Malowansky, being duly sworn, deposes and says:

I have been on the Commander islands every year since 1869. I served for many years as the agent there of Hutchinson, Kohl, Philipeus & Co., the former lessees of the right to take fur-seal skins on those islands, and I am now the agent of the Russian Seal-skin Company, the present lessees. My winter residence is in San Francisco; I am now on my way to Russia to report to the Government and to my principals.

Whenever there has been a heavy storm and swell about the islands in the fall of the year, *i. e.*, in October or November, after the pups have learned to swim, a number of dead pups have been reported killed along the shore by the surf, but the number was always inconsiderable. These pups were always grey pups; their bodies were always near the water's edge, and never back on the rookeries. Within the last two years the natives noticed, however, another class of dead pups on the islands; these were always black pups, which were too small to have learned to swim, and were found on the breeding grounds 200 yards from the water. Such dead pups have only been observed since the sealing vessels began to take seals about the islands. This year the numbers became so great that the matter was commonly talked about on the islands and the natives made complaint to the governor. It was my opinion and the universal opinion of all on the islands that these deaths were caused by starvation, which resulted from the mothers having been killed by the sealing schooners while out feeding. This was also the opinion of the natives and others on the islands during all of last season (1891). The matter was discussed with the British Bering Sea Commissioners who were at Bering Island for about a day and a half in September of that year. Suigerof told them about it, and I acted as the interpreter at the time. The grey pups heretofore mentioned as having been killed were always plump and in good condition, while these black pups were in all cases very thin and emaciated, showing evident signs of starvation.

Seven vessels were seized this season (1892) by the Russian Government for sealing in the waters surrounding the Commander Islands. They had on board about 2,700 skins, all of which, as appeared from the bullet holes in them, had obviously been shot in the water. It was evident from the fresh appearance of the skins and from the information I obtained from the captains of the seized vessels that they were not taken in the spring, but throughout the summer. I was present at the examination of all of them at Petropaulovski, and looked at almost every one of them carefully, because I intended to purchase and did purchase a large number of them for the Russian Seal-skin Company. They were also examined at the same time by Mr. Grebnitski, Mr. Tillman, and a Copper Island native named Ivan Chabarof. The latter is an expert in handling seal-skins. He looked them all over and threw the males into one lot and the females into another. He had no difficulty in telling them apart. I have not the exact figures of the result with me, but I know that over ninety per cent of the skins were females.

Experience.
Dead pups on Commander Islands.
Examination of a late pelagic catch.

On one of the boats of a seized schooner there were the carcasses of 13 seals. I was present while these were being skinned on our steamer's (the *Kotik's*) deck; all of them were nursing females, and the deck was flooded with milk when the skins were being removed. All the captains of these seized vessels informed me that they took a great many seals 200 or more miles from the islands, and it is my belief that the female seals go as far as that from the rookeries to feed. The captains also knew and admitted they were getting mostly females. The captain of the *Maria* told me he lost two or three out of five wounded or killed.

During the last year or two there has been an enormous decrease in the number of seals on Copper Island; on Bering Island the decrease was not so marked. The seals on the Copper Island rookeries feed mainly to the east and southeast of the island, while those on Bering Island feed to the northwest and west thereof, where the sealing schooners have not gone so much as yet; the two islands are about thirty (30) miles apart. All the sealing schooners seized were to the south or southeast of Copper Island except one, which was seized to the northwest of Bering Island. I noticed one rookery in particular on Copper Island which two years ago was covered with breeding seals and which now is bare. No one on the islands doubts that the sealing schooners have done it. The natives have become greatly alarmed and they bewail the condition of the rookeries, claiming they will starve if the seals continue to decrease. This great decrease is noticeable in the female seals; there are enough vigorous male seals to serve all the females coming to the islands. The natives have reported in the last two years that the number of females to a bull is growing less. This is the natural result of the sealers killing principally females. I am convinced that unless sea-sealing is absolutely prohibited the Commander seal herd will become practically exterminated.

Among the seal-skins taken from one of the vessels seized were some which were lighter in color and different in shape from the rest of the catch. Snigerof, the native who has been on the Pribilof Islands, at once pointed these out to me and said they were Pribilof seals. I spoke to the captain of the vessel about them, and he told me that those skins came from the eastern side of Bering Sea and were skins of the Pribilof seal herd. I am, therefore, positive there is a marked difference in the two seal herds and that they do not intermingle.

I have already stated that the seized vessels had on board about 2,700 skins. These were confiscated by the Government and taken to Petropaulovski. They were there sold at auction and I purchased 1,124 of them; 1,028 of them were held by the Government for its own account. The two lots above-mentioned, namely, that purchased for the Russian Government, were placed in my charge at Petropaulovski and were brought to San Francisco by me upon the steamer *Kotik* the chartered vessel of the Russian Seal-skin Company. At San Francisco I was present when these two lots were shipped to Alfred Fraser, of New York, a member of the firm of C. M. Lampson & Company, for transshipment to London, in casks which were marked and numbered as follows:

The casks containing the first lot were numbered 22 to 40 and marked "R. S. S. Co., A."

The casks containing the second lot were numbered 1 to 21 and were marked "R. S. S. Co., G."

Nursing females.

Decrease.

Herds do not mingle.

Shipment of pelagic catch to London.

The mark "A" stood for "auction skins." The mark "G" stood for "Government skins."

They were shipped from San Francisco in the latter part of September or the first part of October, 1892, and I understand they were to be sold in London in November following.

In 1890 I went in the steamer *Alexander* from Bering Island to a place on the coast about twelve miles north of the Kamchatka River, where I had heard, on what I considered good authority, that there were fur-seals. When I got there I only found sea-lions.

Commander Island skins are always handled with the greatest care. On several occasions, and especially this year, C. M.

Commander skins handled carefully. Lampson & Co. have praised the condition in which they were forwarded to market.

JOHN MALOWANSKY.

Sworn to and subscribed before me this 16th day of December, 1892.
[SEAL.]

EDWIN B. WOODS,

Notary Public, Kings Co., certificate filed in N. Y. Co.

Deposition of Walter E. Martin, furrier.

STATE OF NEW YORK,

City and County of New York, ss:

Walter E. Martin, being duly sworn, says:

I am the person described in and who verified an affidavit in London, England, on the 23rd day of April, 1892, in relation to the sealskin industry as carried on in that city.

I have, as therein stated, handled large numbers of fur-seal skins of all kinds, including Northwest Coast skins, or those of animals taken in the water, and I know from personal experience that a certain number of "stagey" skins are always found amongst them. Whether or no skins taken in the water are "stagey" will depend on the month in which they are taken. The staginess does not begin until after the middle of August, and as most of the skins secured before the seals enter Bering Sea are taken previous to that date the percentage of "stagey" skins amongst this class is insignificant. But among the skins taken in Bering Sea after August 15th will always be found a certain per cent of "stagey" ones.

WALTER E. MARTIN.

Sworn to before me this 2nd day of November, 1892.

[SEAL.]

EDWIN B. WOODS,

Notary Public, Kings Co., certificate filed in N. Y. Co.

Deposition of Thomas F. Morgan, agent of lessees of Pribilof and Commander Islands.

STATE OF CONNECTICUT,

New London County, ss:

Thomas F. Morgan, being duly sworn, deposes and says:

I am the person described in and who verified two certain affidavits on the 5th day of April, 1892, before Sevellon A. Brown, notary public, in relation to the habits, management, etc., of the fur-seals.

The harems on the Pribilof Islands have at all times varied very much in size. In the years when I was on the islands, between 1874 and 1887, it was always possible to find individual harems with 50 or perhaps 80 females, while others would only have four or five females, notwithstanding the average harem would, perhaps, contain from 15 to 30 females. Large harems, though in smaller numbers, continued to exist even in the years 1885 and to 1887, when, as I have already stated in a former affidavit, the number of females began to decrease.

Harems.

While I was on the Islands there was no such thing known as disturbing the breeders or stampeding the rookeries. The herd is driven from the rookery, is kept away from filth as much as possible, for the reason that the skins which are taken, if clean, take salt better, cure in better condition, and bring better prices. Filth, grease, and oil make skins come out of kench flat, and such skins are classed as low when sold. Mud spoils the salt for quick work; so the cleaner the skins are the better. As the rejected seals are only to be got away from the killing ground the quickest way to the sea is the route chosen, and they often pass over decaying carcasses, but not of necessity, as they are allowed to choose their own gait and route to the sea. They do not seem to object to this any more than to the filth caused by the excrement and decaying placentas on the breeding grounds.

Stampeding and driving over putrid bodies.

I was on the Commander Islands in 1891 as Agent of the Russian Sealskin Company. I never heard any one state that barren females (I mean females without young) were noticed there and I don't believe that any person whose opinion would be entitled to consideration noticed this fact. It soon would have become a matter of common knowledge on the Islands if there had been any number of adult females without young. The only sure way to determine whether an adult female is barren is to examine her as to whether she is giving milk or dry. As the young seals do not follow the mother continuously, the fact of seeing females without pups with them does not prove that they have not one somewhere on the breeding grounds, and no person having any knowledge of rookery life could draw such an inference and claim that the females were therefore barren.

Barren and sterile females.

While on the Pribilof Islands I don't know that I ever saw a sterile female seal. It is impossible to recognize the same seal from year to year unless as in the case of a few old bulls which have large scars, a torn lip, a white blind eye, the nose split, or some unnatural mark. And although I have seen old females without milk, very fat, associating with the young males, I could not say that they had not been fertilized, and not having an offspring to care for were associating with the males until the season arrived for the herd to leave. At one time the suggestion was made that it would be a good plan to kill these females. I denied that it was possible for any one to know that they would not bear young, and that if the killing of one female was authorized it would open the way to do great injury to the herd. For, when it became desirable to market a large number of skins, the clubber would see large numbers of females unfit for breeding.

It is difficult to discover fresh excrement on the rookeries, for the seals' flippers soon wipe out the evidence looked for. Still I have often seen it. In color it is orange, light yellow to almost colorless, and in consistency soft, almost liquid. At times it is very offensive, and at others nearly odorless. But the soil

Excrement.

of the breeding ground is impregnated with it, which gives to the rookery a most disagreeable odor that is increased by the decaying placentas.

I am quoted by the British Commissioners (Section 825 of their Report) to show that in 1884 an irregularity in the habits of the seals took place at the Pribilof Islands. This irregularity consisted in the following: In previous years the seals that arrived in June furnished nearly all eight-pound skins and over; very few of these seals were let go or rejected, and when any were rejected it was principally because they were too large. But this year the two-year old seals commenced to land much earlier, and the run of large half bulls arrived in more scattered bunches, just as if the herd had been turned back in places and hurried ahead in others, thus hurrying the smaller seals, so that they came on with the head of the flock, and turning back some of the large seals, so that they came to the islands with the one and two year old seals, which formerly had arrived later. No irregularity was observed in the habits of the female seals.

THOMAS F. MORGAN.

Subscribed and sworn to before me this 14th day of December, 1892.
[SEAL.]

H. L. BAILEY,
Notary Public.

Deposition of Joseph Murray, Treasury Agent.

DISTRICT OF COLUMBIA,
City of Washington, ss:

Joseph Murray, being duly sworn, says: I am the person described in and who verified an affidavit on the 19th day of March, 1892; I was first assistant special Treasury Agent on St. George Island in 1889 and until July 20, 1890, and I have since occupied and still occupy this position on the island of St. Paul.

I have stated in a former affidavit that in 1891 the rookeries were at their best from July 7th to 22nd. At the time when the British Commissioners reached the island (July 28th) the process of disorganization had already been in progress for a week or ten days, and the seals were scattered about the breeding grounds. Safe and correct conclusions as to the facts of rookery life can only be drawn after systematic observation during the growth of the rookeries, and during the brief period when they are compact and orderly. For instance, after July 22nd, there is no time when all the females were on shore; many of them are at sea feeding; the pups are wandering here and there, and the bulls having ceased to exercise strict control over their harems generally are giving attention to the few cows still unserved. Even the observations carried on after this date over a series of years must be applied with caution, for on the same day of different years the breeding grounds may present a totally different appearance by reason of climatic conditions. For instance, if August 15th, 1891, had been a hot or sunny day, and August 15th, 1892, a cool or cloudy day, the rookeries would not be similar in appearance on these two days, even if the general condition of the herd in the two years were the same.

I went over the rookeries carefully looking for dead pups. The largest number on any rookery occurred on Tolstoi, but here, as on the rookeries generally, but few of them were to be seen as compared with last year. This was the first time in my four

seasons' residence on the islands that the number of dead pups was not greater than could be accounted for by natural causes.

It is my opinion that the breeding grounds were worse off in 1892 than in 1891 as regards the number of females found on them. This opinion is based on my observations made at the same periods in each year prior to disorganization. The breeding grounds are now in worse condition numerically than at any time during my acquaintance with them, and this too in the face of the small killings of males upon the islands during 1890 and 1891. Relative condition of rookeries.

In 1891 and 1892 I saw a number of harems with 40 or 50 females; on the other hand I saw a still greater number with from one to six. If it were possible to ascertain the average number of females to a bull it would be found to be very low, especially if all the idle bulls were taken into account. In 1891 I visited ever rookery on the island of St. Paul between the 7th and 22d of July, and I counted 1,250 idle bulls. Harems.

I deny that the statement attributed to me in Sec. 758 of the British Commissioners' Report was ever made by me: "Colonel Murray, the cautious Treasury agent on St. George, informed us that he had examined the traces remaining of many raids that had taken place unknown to the authorities." Furthermore the two occasions referred to in this section relate to one and the same raid which is on record in the Treasury Department. Raids.

I have read over section 759. I did go to the steamer of British Bering Sea Commissioners, not only as a matter of courtesy, but because we have orders to board all vessels anchoring at the islands. I then suggested that the British vessel sail around St. Paul Island to see if any schooners were off Northeast Point. The impression conveyed is that raids were continually imminent and of frequent occurrence, and that there were no means at hand to prevent them if they did occur. Only two raids were made in 1891. The first occurred on St. George Island, November 17th, by the *Challenge*, the other, November 27th, on St. Paul Island, by the *Borealis*. In the first case the officer and crew were arrested and sent to Sitka, convicted and sent to jail, and the vessel confiscated. In the second case the vessel succeeded in making her escape, but the captain was afterwards arrested and is now awaiting trial in Sitka jail. Sections 758 and 759 of British Commissioners' Report explained.

One of the secretaries of the British Bering Sea Commissioners had access to and closely examined in 1891 while on St. Paul Island the records in which every seal which died on that island either directly or indirectly by the hand of man is recorded. The Commissioners were at liberty to examine the same records on St. George. I do not know whether they did so or not. Record of seals killed.

JOSEPH MURRAY.

Subscribed and sworn to before me this 20th day of December, 1892.

[SEAL.]

SEVELLON A. BROWN,
Notary Public.

Deposition of Martin Myer, handler and packer of raw furs.

STATE OF CALIFORNIA,

City and County of San Francisco, ss.:

Martin Myer, of the city of San Francisco, in the State of California, being duly sworn, deposes and says:

That he is by occupation a handler and packer of raw furs; that in such capacity he has been for the past twenty years, and still is, employed by the Alaska Commercial Company; that while said company was the lessee of the Pribilof Islands he was present at the wharf in San Francisco on nearly every occasion when the company's vessels unloaded the skins of the fur-seal taken on the Pribilof Islands by said company's agents; that said skins, of which he has handled and packed in casks hundreds of thousands, are packed in bundles, each of which contains two skins; that it would be impossible to put three skins in one bundle and roll them in such a way that the flesh side of one of the skins would not be exposed and the fact at once become apparent to any person examining the skins so bundled; that it would be impossible to roll four skins into one bundle, as the sides of the skins could not be turned in and the bundle then rolled and tied up.

Experience.

And deponent further says:

That when a vessel arrives from the Pribilof Islands with a consignment of skins the bundles, as they were unloaded, were counted by an officer of the United States custom-house and also an employé of the Alaska Commercial Company; that perhaps a dozen or twenty bundles were opened to examine their condition and the amount of blubber and salt with which they were packed; but that not over one hundred such bundles were ever opened in any one year: that since 1879 after said fur-seals were counted, as above stated, in bundles, the bundles were packed on the wharf in casks, from twenty-five to thirty bundles being placed in each cask; that as fast as each cask was filled it was at once taken to the railroad station and shipped directly to C. M. Lampson & Company, London.

Shipment of skins from San Francisco.

And deponent further says:

That never during his experience of twenty years has he seen a bundle of Alaska fur-seal skins opened which contained more than two skins, and that he never saw a bundle that he judged to contain more than two skins; that if such bundles had been seen by him he would at once have recognized the fact from the shape of such bundle.

Never saw over two skins in a bundle.

MARTIN MYER.

Subscribed and sworn to before me this 14th day of November, A. D. 1892.

[SEAL.]

CLEMENT BENNETT,
Notary Public.

Deposition of Rudolph Neumann agent of Alaska Commercial Company

STATE OF CALIFORNIA,

City and County of San Francisco, ss.:

Rudolph Neumann, being duly sworn, deposes and says:

That he is the resident agent of the Alaska Commercial Company a Unalaska in the Territory of Alaska, and that for the past twenty years he has been employed in the pu

Experience.

chase of skins of various kinds for said company in the Aleutian Islands and Alaska; that he never knew or heard of the said company having fitted out, employed, or been directly or indirectly connected with any vessels engaged in taking young fur-seals or any other class of fur-seals with nets while going through the Aleutian passes or anywhere else; that if the said company had been in any way interested in any such venture deponent is convinced he would have known thereof, as such skins so taken would doubtless have been delivered to him for transshipment to San Francisco.

Alaska Commercial Co., never engaged in pelagic sealing.

Deponent further says:

That the price paid for the skins of young pup-seals is now about one dollar; that formerly, when more sealskins were taken from the Pribilof Islands, the price for such skins, that is, gray pup-skins, was from seventy-five to eighty-five cents; that up to within five or six years from 1,500 to 2,500 such skins were annually purchased at the last-mentioned prices from the native hunters on the Aleutian Islands, but that since that time the number so taken and sold had decreased yearly.

Price of pup-skins.

And deponent further says:

That never during his experience has he purchased at one time as many as seven hundred pup sealskins or any number approximating, and that he has never paid as much as two and one-half dollars for a pup sealskin, nor has he ever heard, nor does he believe any such sum was ever paid for such sealskins by any person in the employ of the Alaska Commercial Company.

Number of pup-skins purchased.

RUDOLPH NEUMANN.

Subscribed and sworn to before me this 14th day of November, A. D. 1892.

[SEAL.]

CLEMENT BENNETT,
Notary Public.

Deposition of Gustave Niebaum, vice-president of the Alaska Commercial Company.

STATE OF CALIFORNIA,

City and County of San Francisco, ss :

Gustave Niebaum, being duly sworn, deposes and says:

That he is a resident of San Francisco, California; that he has been a member of the Alaska Commercial Company since its organization; and that he is now the vice-president of said company.

Experience.

That it has been his custom for the past twenty years to examine a few bundles of each cargo of sealskins received by said company from the Pribilof and Commander Islands, in order to find out in what condition they had been packed and whether any improvement could be made in the methods employed. For this purpose from fifteen to twenty bundles of each cargo were opened and an examination made.

And deponent further says:

That during his entire connection with said company he has never seen or heard of more than two sealskins being placed in one bundle; that to put three skins in a bundle would be not only very injurious to the fur, but could at once be detected, because it would be impossible to fold and roll the skins together without exposing some portion of the bare side of the

Only two skins in one bundle.

skin on the outside of the bundle; that to roll four or more skins in one bundle in the manner necessary for the preservation of the skins is an impossibility.

Deponent further says:

That immediately on landing the Alaska sealskins at San Francisco they were packed in casks, the bundles being the same as when taken from the vessel which brought them from the Pribilof Islands; that since the year 1879 the casks were headed at the wharf and taken directly to the railroad freight depot for shipment to London, each cask being marked with the number of skins it contained, which number was obtained by multiplying the number of bundles put into the cask by two; that to 1879 the bundles were placed on drays after having been counted by the custom-house officer and taken to the warehouse of the Alaska Commercial Company, where they were at once packed in casks and taken to the railroad station; that when such packing in casks was done at the warehouse all the skins had been reshipped within five days after the arrival of the vessel, and that since 1879 all skins have been shipped by rail within three days after such arrival; that all sealskins received by the Alaska Commercial Company from the Pribilof Islands were consigned to Messrs. C. M. Lampson & Company, of London, and no sales of said sealskins were made by the Alaska Commercial Company during the term of its lease of the Pribilof Islands except through the said firm of C. M. Lampson & Company.

Deponent further says:

That he is familiar with every action and proceeding of the Alaska Commercial Company since its organization; that said company never fitted out, employed, or in any manner was directly or indirectly engaged in the fitting out or employment of any vessel or vessels for the purpose of netting or taking of full-grown or pup seals while the same were in the passes of the Aleutian Islands or anywhere else, but that said company has always purchased a certain number of gray pup-skins from the native Aleut hunters, which in some years reached as many as 2,000; but whether such gray pups, or any of them, were taken with nets, deponent is unable to state; that if such netting of seals ever occurred it took place without the knowledge or consent of the members of said company.

G. NIEBAUM.

Subscribed and sworn to before me this 16th day of November, A. D. 1892.

[SEAL.]

CLEMENT BENNETT,
Notary Public.

Deposition of Gustave Niebaum, vice-president of the Alaska Commercial Company.

STATE OF CALIFORNIA,

City and County of San Francisco, ss:

Captain Gustave Niebaum, of the city of San Francisco, in the State of California, being duly sworn, deposes and says:

I am the vice-president of the Alaska Commercial Company and have been a member of said company since its organization. I have been at all times thoroughly familiar with the actions of said company and with all the persons employed by said

Experience.

company at any time. From my knowledge above set forth I make the following statements as to certain employes of said company who, prior or subsequent to their connection with our company, were in any way connected with the United States Government; and said persons, hereinafter named, are all that have been so employed by the Government and by the company, to the best of my recollection and belief.

Names of company's agents who subsequently became Government agents, and vice versa.

Dr. H. H. McIntyre, special Treasury agent of the United States, some time previous to 1870, when he entered our employ as superintendent of the Pribilof Islands and so remained until the expiration of our lease of said islands.

William Kapus was for about two years (1871-73) our assistant superintendent on said islands, and who, at some time before or after, I believe, became a deputy collector of customs at some port in the United States, but what port I can not recollect.

John M. Morton was in our employ for several years and subsequently has held various positions in the Government service.

Charles T. Wagner has been for several years and is now in the employ of our company, prior to which time he has been deputy collector of customs at Unalaska, but never in anyway connected with the Pribilof Islands.

Fred M. Smith, who has lived at Alaska for twenty-five years, has at various times been and now is in our employ. He was for about four years deputy collector at Unalaska, but at no time has he been in any way connected with the Pribilof Islands.

Three or four of the physicians we employed as resident physicians on the islands were, before or after such employment by us, physicians on some of the United States revenue cutters.

There were no doubt some of the employes of the company who were, either before or after such employment, in the United States Army or Navy.

There were so few competent and experienced men in Alaska who could fill the positions in the company, or in the service of the United States, that it naturally followed when changes were made by a new administration in the officers of the Territory that they should either draw from the experienced men in the company's employ or that when a Government employe, who had had several years' experience with Alaskan affairs, was removed he should be employed by the Alaska Commercial Company.

Reason therefor.

G. NIEBAUM.

Subscribed and sworn to before me this 18th day of November, A. D. 1892.

[SEAL.]

CLEMENT BENNETT,
Notary Public.

Deposition of C. W. Preiss, assorter of furs.

STATE OF CALIFORNIA,

City and County of San Francisco, ss:

C. W. Preiss, being duly sworn, deposes and says:

I reside in San Francisco, State of California, and am by occupation a fur-skin assorter, and have been so engaged permanently for the last twenty years, during which time I have been constantly handling large quantities of raw fur-seal skins from all the different locations.

experience.

I have been present at the capturing of seals in the Bering Sea and on the Pribilof Islands, and find that all fur-seals taken Stagey skins at sea. both in the Bering Sea and on the islands therein from about the 10th of August until the end of October are what is known to the trade as stagey, meaning the animal is changing its coat, during which period its skin is very inferior in quality; in fact, almost unmerchable.

C. W. PREISS.

Subscribed and sworn to before me this 18th day of November, A. D. 1892.

[SEAL.]

CLEMENT BENNETT,
Notary Public.

Deposition of Louis Sloss, jr., member of the Alaska Commercial Company.

STATE OF CALIFORNIA,

City and County of San Francisco, ss:

Louis Sloss, jr., being duly sworn, deposes and says:

That he is a resident of San Francisco, California, and member of the Alaska Commercial Company; that for four or five Experience. years, during the time that said company was the lessee of the Pribilof Islands, it was his duty to be present during the unloading of the vessel bringing into port sealskins from the Pribilof Islands and to oversee the counting and repacking into casks of all such sealskins; that when such vessel arrived it was customary to open twelve or fifteen bundles of the skins to examine their condition, but that no bundles were ever opened for any other purposes; that, excepting the few Shipment of skins from San Francisco. thus opened, all the bundles, after being counted by the custom-house officer and a company employé and since 1879, were packed in casks on the wharf; that said casks were taken directly from the wharf to the railroad station and shipped to C. M. Lampson & Company, London.

And deponent further says:

That during his entire experience he never saw a bundle of sealskins which contained more than two skins; that he believes Only two skins in a bundle. that more than that number in a bundle would be readily detected by even an unexperienced observer; that he further believes it impossible to pack three skins in a bundle in such a manner that the extra skin would not easily be detected, and that four skins could not be rolled into one bundle in the customary way under any circumstances.

And deponent further says:

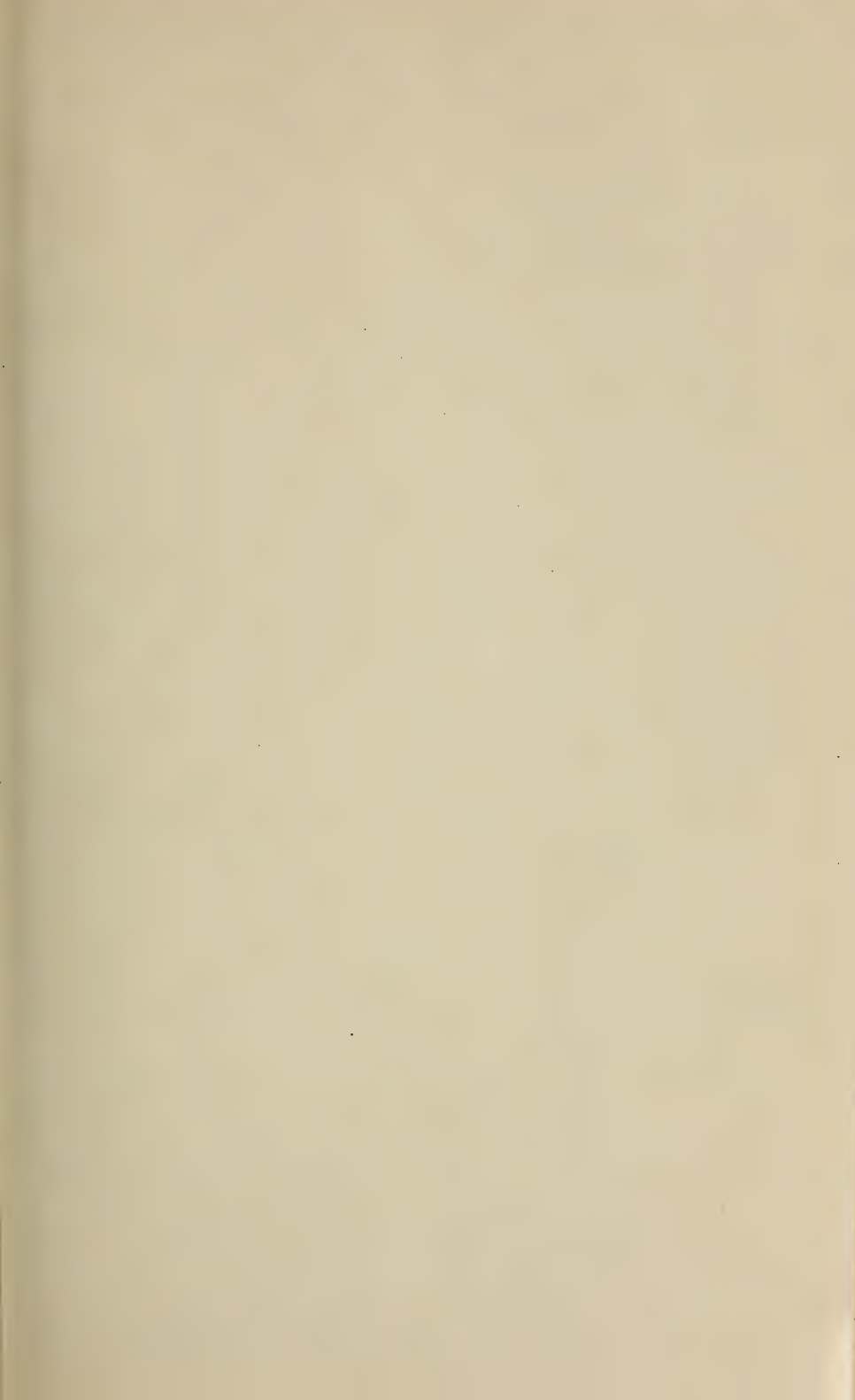
That he has seen bundles containing two large sealskins each which Weight of bundles. would weigh, including salt, blubber, and the moisture collected, over fifty pounds, and that bundles containing two yearlings or gray pup-skins in the same raw condition will weigh about ten pounds.

LOUIS SLOSS, JR.

Subscribed and sworn to before me this 14th day of November, A. D. 1892.

[SEAL.]

CLEMENT BENNETT,
Notary Public.





Deposition of Joseph Stanley-Brown, Treasury Agent.

DISTRICT OF COLUMBIA,
City of Washington, ss :

Joseph Stanley-Brown, being duly sworn, deposes and says:

I am 37 years of age; am a citizen of the United States; reside at Mentor, Ohio, and am by profession a geologist.

I spent the entire season of 1891 upon the Pribilof Islands, and during the summer of 1892 again visited them and spent the period between June 9th and August 14th upon the islands of St. Paul and St. George in continuation of my investigations concerning seal life. This season, in addition to the continuous general examination of all the rookeries and the plottings of the breeding ground areas upon charts, certain special stations were selected at points within easy reach of the village and daily visits made thereto. This method of work gave me an excellent opportunity to make comparisons between the breeding areas of 1891 and those of 1892. Experience.

As the result of my observations during the past season it is my opinion that there was no increase among the females—the producing class—but on the contrary that there was a perceptible falling off. This decrease was the more noticeable at points on the rookeries where the smaller groups of breeding seals are to be found. Breeding grounds.

There was so little driving during the season of 1892 that an excellent opportunity was given to observe life upon the hauling grounds, several of which were not disturbed during the entire season. There seemed to be a slight increase of the young bachelor seals, although this may have been more apparent than real from the fact that being unmolested they accumulated in large bands.

It is quite certain that the normal habit of the “holluschuckie” is to remain most of their time upon shore, and if left to themselves would spend more time there than in the water. I have kept a close daily watch upon groups of young males, the members of which did not go into the water for a week or ten days at a time.

Any statement to the effect that the occasional occurrence of large harems indicates a decrease in the available number of virile males and hence deterioration of the rookeries, should be received with great caution, if not entirely ignored. The bulls play only secondary part in the formation of harems. It is the cow which takes the initiative. She is in the water beyond the reach or control of the male and can select her own point of landing. Her manner on coming ashore is readily distinguished from that of the young males which continuously play along the sea margin of the breeding grounds. She comes out of the water, carefully noses or smells the rocks here or there like a dog, and then makes her way to the bull of her own selecting. In this incipient stage of her career on shore there is but little interference on the part of the male, but once well away from the water and near the bull she has chosen, he approaches her, manifests his pleasure, and greetings are exchanged. She then joins the other cows and as soon as dry lies down and goes comfortably to sleep. I have seen this selective power exercised repeatedly and the result is that one bull will be especially favored while those within fifteen or twenty feet will be ignored. Harems.

The size of harems, therefore, has of itself but little to do with the question of lack of virile males, but indicates only the selective power

of the females. If 100 bulls represented the necessary supply of virile males we might, by reason of this fact, find 10 bulls with very large harems, 10 with still less, 50 with a reasonable number, 20 with a few, and 10 with none. An onlooker would not, therefore, be justified in stating that by reason of these few large harems there is a lack of virile males.

In the very nature of things it seems impossible that any method other than this one of selection on the part of the female could ever have existed.

Large harems are frequently due to topographic conditions, the configuration of the land being such that the females can only reach the breeding grounds through narrow passage ways between the rocks and around the terminations of which they collect.

Harems often coalesce; then boundaries become indefinite, and when their size and position make them too large for control cows pass to the rear and are appropriated by the bulls there.

When once the female is located, the bull exercises rigid control and permits no leaving of the land until she has been served. I never saw a harem so large that the vigilance of the bull in this respect was ever relaxed. His consorts may escape to another harem, but they are never permitted to go to sea until an inspection convinces the bull that they are entitled to do so. No intelligent observer would be so bold as to assert that during the season of 1892 there was not an abundance of males of competent virility, despite the occurrence of occasional large harems. The accompanying photographs¹ show that even at the height of the season, and just previous to the disintegration of the breeding grounds, there were, unsupplied with cows, old males which had taken their stand and from which I was unable to drive them with stones.

I should have been extremely glad to have been able to note a great many more of these large harems, but the work of the pelagic hunter among the females has been so effective that the average size of the harems is growing smaller and smaller, while the number of idle bulls is steadily increasing. The rookeries of the Pribilof Islands will never be destroyed by a superabundance of large harems.

I arrived on the islands this year a few days after the coming of the first cows, and by selecting a small harem composed of seals the arrival of which I had seen, and giving it daily observation, I was able to satisfy myself that females begin to go into the water from 14 to 17 days after first landing. On first entering the sea they make a straight line for the outer waters, and as far as the eye can follow them they seem still to be travelling. The first cows to arrive are the first to depart in search of food, and by the first week in July the cows are coming and going with such frequency as to be readily seen at any time. The accompanying photograph (taken on July 8, 1892, from the same position as, but one day earlier than, the one of last year which faces page 13 of Vol. II of the Case) shows pups the mothers of which are already at sea. [Photograph faces p. 385].

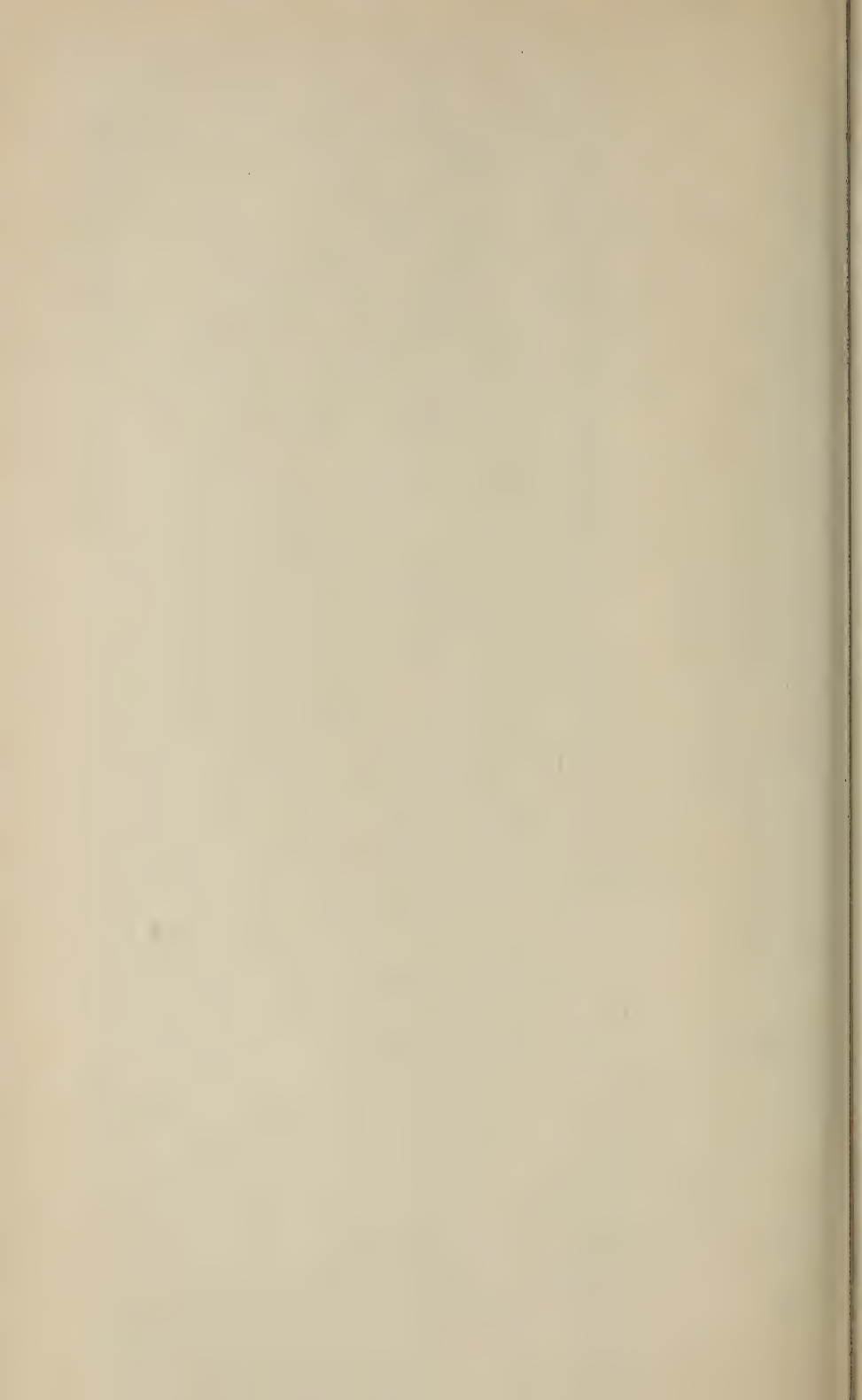
The fact that the coat of the cow assumes, from residence on the shore, a rusty or sunburnt aspect, gives a ready means of observing her movements. The rustiness is quickly lost by life in the sea.

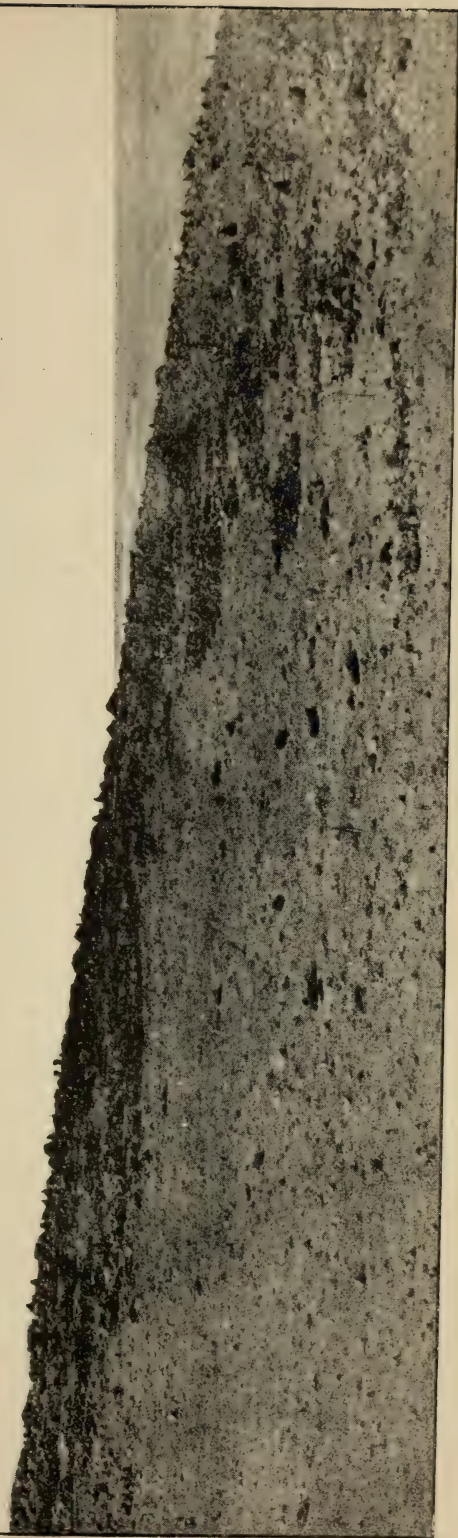
The movements of females can also to a certain extent be well observed by their appearance after giving birth to their pups, after fast-

¹The United States will lay before the Tribunal a series of photographs taken by Mr. Stanley-Brown during the seasons of 1891 and 1892, in illustration of seal life in general upon the Pribilof Islands.



NORTHEAST POINT, ST. PAUL, JULY 17, 1892.

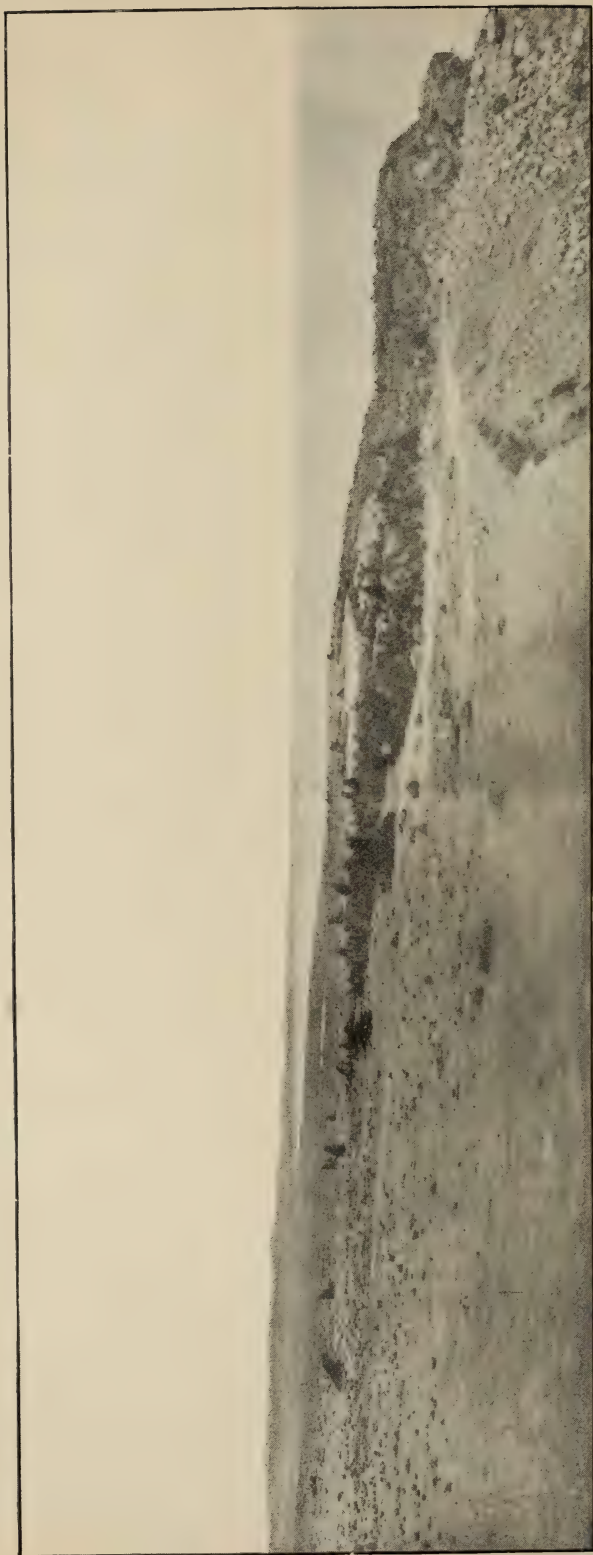




NORTHEAST POINT, ST. PAUL, JULY 17, 1892.



LIBRARY
HISTORICAL ASSOCIATION,
BOSTON, MASS.



LITTLE POLIVENA, ST. PAUL, JULY 20, 1892.

ing, and after gorging themselves with food. After the birth of the pup, and after remaining upon the rookeries even for a few days when the period of coming from and going into the water has been entered upon, the mother has a very decidedly gaunt appearance, in strong contrast to the plumpness of pregnancy or full feeding. After feeding at sea they come ashore again well rounded out. So marked is this that I have repeatedly been misled by mothers in such a condition, mistaking them for pregnant cows, and have discovered my error by seeing her call her pup and suckle it. If I had any doubt in my mind as to cows feeding at sea it was dispelled by an examination of three cows I shot at Northeast Point on July 25th, 1892. Two "sunburnt" cows were first killed and their stomachs were found to be empty. Another was shot just as she came ashore and her stomach was gorged with half-digested codfish, which was identified by Mr. C. H. Townsend, an expert of the U. S. Fish Commission. A dissection was made of this seal, and the udder, which extends as a broad thick sheet at the center, but thinning out towards the edges, over the entire abdominal portion of the cow and well up to the fore flippers, was so charged with milk that on removing the skin the milk freely flowed out in all directions, and previous to skinning it was possible with but little effort to extract a sufficient amount to enable me to determine its taste and consistency. A large supply of food is necessary to furnish such an abundant amount of milk. I have no doubt that a well-developed mother seal could yield between a pint and a quart of milk in the first 24 hours after landing from a feeding expedition, and with such rich fountains to draw upon it is no wonder that the voracious pups increase during their residence upon the island not less than four times their weight at birth. And it is equally certain that without such a constant supply of nourishment it could not make such a rapid growth as it does.

The presence of excrementitious matter upon the breeding rookeries is recognized both by sight and smell. It is of a yellowish color, and though much of it is excreted it is ^{Excrementitious matter.} of such a liquid consistency that it is quickly rubbed into and mingled with the soil, and thereafter its existence can only be noticed through the discoloration of the soil and the offensive odor. The latter is readily detected at a distance of miles when the wind is in the right direction, for the soil on the breeding rookeries is completely impregnated with it. The odor bears no resemblance to that which arises from the bodies of a large number of assembled animals.

The quantity of excrementitious matter present is influenced by the nature of their diet, which, being fish, is largely assimilated, while in their coming and going much of it may be deposited in the water, to say nothing of drenching from rain to which the rookeries (many of which are solid rock) are subjected.

On the hauling grounds, on the other hand, it is almost impossible to detect such matter, either through its presence, the appearance of the soil, or its odor. This is a well-known fact to anyone who has even casually inspected such hauling grounds as Middle Hill, parts of Zapadnië, western end of English Bay, western end of North Rookery, Starry Arteel, Great East Rookery, and others.

This difference between the breeding grounds and the true hauling grounds is explained by the fact that the former are occupied by nursing females, which are constantly feeding, while the latter are frequented chiefly by young males, which take but little food during the summer. This abstention from food on their part is further indicated by the fact

that, with exceptions now and then observed on the killing grounds, they grow thinner and thinner as the season advances.

The pup at birth is received by the mother with an affectionate regard that is unmistakable; a sound not unlike that made by an ewe, but not so loud, can be heard, and care is exercised by the mother for the pup's protection. I have repeatedly seen a mother when her offspring was still so young as to be helpless, remove it beyond the reach of the surf, or gently lift it from a hole between the bowlders into which it had fallen. I have seen them often place the udder in the most available position for the pup to suck, and move themselves sufficiently close for it to be within easy reach. After an absence in the sea, the mother invariably calls to her young repeatedly and manifests pleasure on finding it. Later on the pup is able to recognize its mother, and as the female will suckle only her own pup the pleasure and contentment which the meeting gives both is evident to the most careless observer.

Dead pups were as conspicuous by their infrequency in 1892 as by their numerousness in 1891. In no instance was there to be noted an unusual number of dead pups except on the breeding grounds of Tolstoi, the position, character, and size of which gave prominence to the carcasses. Here the mortality, while in no way approaching that of the previous season, was still beyond the normal, as indicated by the deaths upon the other breeding grounds.

Any surreptitious killing of the mothers can not be charged with it, for such killing either there or anywhere else on the island would have become the gossip of the village and readily detected by the attempt to dispose of the skins. Disease or epidemics are not known among the seals; and I have never seen cows dead from sickness upon the islands. There are no hauling grounds so close to the breeding areas that the driving of the young males could cause consternation among the females during the breeding season. Stampedes or disturbances can not account for it, for not only are the breeding grounds in this particular case of Tolstoi one-fourth of a mile away from the hauling grounds, namely, at Middle Hill (the nearest point to that breeding ground from which seals were driven in 1891 and 1892, see chart), but it would be practically impossible to stampede this breeding ground by any disturbing cause save of such magnitude as to be the subject of common knowledge on the islands, and I know that no cause for such a commotion occurred.

Seals will stand a large amount of annoyance before leaving their harems, or indeed being permitted to do so by the bulls, and the man does not live who can stampede rookery bulls. No smoke of vessels or presence of ships ever cause the stampede of an entire breeding ground. Such things have been reported, but no one has ever seen it, and it would require persistent effort to accomplish such a result. I have had cause to send natives on several occasions entirely across a rookery, and no stampede ensued. I have thrown eggshells filled with blue paint at female seals for the purpose of marking them until rocks and seals were a mass of blue color, but with no disturbing effect. In the prosecution of my investigations I have shot female seals with a noiseless rifle upon a small detached breeding ground, have crawled in and dragged out the seals killed without causing the other mothers to recede more than twenty feet, and in fifteen minutes thereafter the breeding grounds presented their wonted appearance.

After two seasons observation I unhesitatingly state that I do not believe there has ever been breeding grounds stampeded in such a

wholesale manner as to cause the death of pups. If such occurred in 1891 and 1892 it is certainly extraordinary that only the starvings met death.

The true explanation of the deaths upon Tolstoi this year is not readily found, and must be sought in local causes other than those indicated above, and I am confident that to none of those causes can be justly attributed the dead pups of 1891 and 1892. The following explanation, based upon my acquaintance with the facts, is offered in a tentative way:

A glance at the map will show that the location and topographic character of this rookery have no counterpart elsewhere on the island. The rookeries upon which deaths are infrequent are those which are narrow and upon the rear of which are precipitous bluffs that prevent the wandering of the pups backward. The larger part of Tolstoi, as will be seen from the map, extends far back and has great lateral dimensions—much of it is composed of drifting sands and it has rather a steep inclination down to the sea. The shore is an open one, and the surf, either gentle or violent, is almost constantly present. As the time for learning to swim approaches the pups find it easy to come down the incline. They congregate in large numbers upon the sandy shore and begin their swimming lessons. This is at a period when they are still immature and not very strong. The buffeting of the waves exhaust them and coming ashore they either wander off, or struggling a certain distance up the incline, made more difficult of ascent by the loose sand of which it is composed, lie down to rest and sleep and are overlooked by their mothers returning from the sea. I have seen mother seals go up the entire incline seeking their pups.

I find nothing in the history of dead pups upon the island this year which does not confirm my belief that the great mortality of the season of 1891 was due to pelagic sealing in Bering Sea. Had it not been so there is no reason why the deaths in 1892 should not have been as widely distributed and as great as they were the previous year.

During the past summer particular care was taken to have the drives conducted in the same manner as in previous years in order that the effect of driving upon the young males might be noted. Driving.

From June 10th (the day after my arrival) to the close of the season on August 9th, there were eleven (11) drives made—the longest one being from Middle Hill, about two miles from the village killing ground. With two exceptions no drives were made from the same hauling grounds except at intervals of two weeks. As the killing this year was limited to 7,500 there could be but few seals taken each week, and this necessitated turning back to the water, about two hundred (200) yards distant from the killing ground, from 75 to 85 per cent of those driven up and gave an excellent opportunity to observe the effect of driving upon large bands of seals.

In driving, it is true that if the weather is unfavorable a few may die en route, or in anticipation of their death are clubbed, skinned, and their pelts added to the quota. It is also true that sometimes there are manifestations of weariness and exhaustion among the driven seals; that driving causes some excitement; that occasionally smothering occurs, and that there are other episodes happening on and about the killing field which are necessarily incident to and must always form part of the killing of seals on land, and which are likely to obscure the judgment of the observer or be allowed to assume undue prominence in his mind. But the chief question is the potency of these episodes as

destructive agents. To what extent do they occur and to what extent do they effect the herd at large, are the points to be fairly considered, and their consideration must not be influenced by any exaggeration due to the sensibilities of the observer. Care should be and is at all times exercised to avoid needless waste, but after giving the greatest prominence possible to the injurious methods which are alleged to have been employed at different times since the American occupancy of the islands, my observations lead me to believe that the loss of life from the causes indicated above would be but a fraction of one per cent of the seals driven; and I also believe that it cannot, with any show of justice, be made to account for or play other than a very insignificant part in the diminution of seal life. After my observations of two seasons I cannot believe that creatures which in their maturity possess sufficient vitality to live for 80 or 90 days without food or water, and which in their foetal life can be cut from the mother and still live for days, are as bachelor seals injured in their virility or to any extent disabled physically by the driving to which they are subjected on the Pribilof Islands.

JOSEPH STANLEY-BROWN.

Subscribed and sworn to before me this 16th day of December, 1892.

[SEAL.]

SEVELLON A. BROWN,
Notary Public.

Deposition of James G. Swan, former inspector of customs, employee of Indian Bureau and of Fish Commission of United States.

STATE OF WASHINGTON,
Jefferson County, ss:

James G. Swan, having been duly sworn, deposes and says: I am seventy-four years old, a resident of Port Townsend, Washington, and by occupation a lawyer. I am also U. S. commissioner, Hawaiian consul, commissioner for the State of Oregon, and a notary public. I came to the Pacific Coast in 1850 and to Port Townsend in 1859, where I have since held my residence the greater part of the time to the present date. From 1862 to 1866 I was employed in the Indian Bureau of the Interior Department and stationed at Neah Bay, and again from 1878 to 1881 I was inspector of customs at the same place. In 1883 I also visited there in the employ of the Fish Commission.

In 1880, at the request of the late Prof. Baird, of the Smithsonian Institute at Washington, I made a careful study of the habits of the fur-seal (*Callorhinus Ursinus*) found in the vicinity of Cape Flattery and the Strait of Juan de Fuca, and the result of my observations is embodied in the tenth U. S. Census (Report of U. S. Fish and Fisheries, Sec. 5, Vol. 2, page 293. Fur-seal of Cape Flattery and vicinity) and in the report of the U. S. Fish Commission. (Bulletin of U. S. Fish Commission, Vol. 3, pp. 201 to 207.)

The observations upon which these reports are based were mostly confined to the immediate vicinity of Cape Flattery, and I had at that time no opportunity for extended inquiry as to the pelagic habits of the animals. The natural history of the seal herd of the Pribilof Islands, when upon or in the immediate vicinity of the land, had been minutely, and I have no doubt accurately, described by H. W. Elliott in his mon-

Characteristics of
seals off Cape Flattery
and coast of British
Columbia.

ograph published in 1875. There had been up to that date no series of observations nor good evidence on which to base the hypothesis that the Pribilof herd and the large mass of seals annually seen on the latitude of Cape Flattery were identical. On the contrary, there seemed then to be many evidences that some other rookeries than those of the Pribilof Islands were located at some point on the Oregon, Washington, or British Columbia coast. Young seals were occasionally found by the Indians upon or near the beaches, and pregnant females were often captured by them so heavy with pup, and apparently so near their full term of pregnancy, as to warrant the belief that the young must be either born in the water, upon bunches of kelp, or upon the rocks and beaches on or near the coast. Young seals were often brought to the Indian villages, and the testimony of both Indian and white hunters at that time pointed strongly to the conclusion that the breeding grounds of the animals with which we were familiar could not be far distant. I have myself seen the black pups in the water when they appeared to be but a few weeks old, and others have assured me that a considerable number were found from time to time swimming with their mothers. This phenomenon of constant occurrence year after year, and in the absence of a wider range of observations, we were naturally confirmed by them in the conclusion to which I have above referred.

Birth of pups.

In recent years it has been demonstrated by the large catches obtained off the coast by pelagic hunters, and by the testimony of a great number of people whose attention has been directed to the matter, that the herd of seals, of which we saw only a very limited portion from the Neah Bay station, is a very large one; and it now seems beyond a doubt that the comparatively few authentic cases in which pups were seen upon or in the vicinity of the coast were anomalous, for it is reasonable to suppose that in so large a mass of pregnant females an occasional one would be prematurely overtaken by the pains of parturition, and that the offspring brought forth under favorable conditions, as upon a bunch of kelp or some rock, should survive at least a few days and be brought in and kept by the Indians, as I have occasionally seen them. I have also seen at the villages late in the season, in the hands of the Indian boys, live pups which had been recently removed from their speared mothers, and whose vitality was such that they continued to live for several days; but it is a well-known fact that young mammalia may be born several days, or possibly even a month or two, before full term and still survive. It is possible, too, that as a source of error the hunters may have mistaken grey pups, whose coats had been darkened by wetting, or those a few months old, born the preceding summer, for the so-called "black pups."

At the Neah Bay station large bull seals are seldom seen, and the major part of those killed are pregnant females having in them small fetuses early in the season, say about January or February, and later full-grown young. From all the evidence I am able to gather, I believe the different classes of seals remain apart when upon the British Columbia coast, the old bulls and immature young males being chiefly found at a considerable distance from the land, while the pregnant females and young males travel close along the shore, and are frequently seen in limited numbers in the straits and inlets.

Migration.

In the light of investigation and research had since the date of my observations, the most of which were made more than ten years ago, I am satisfied that the mass of the herd from which the British Co-

lumbia or Victoria catch is obtained are born neither in the water nor upon the land in the vicinity where they are caught; and it appears most probable from the routes upon which they are followed, and the location in which they are found by pelagic hunters between March and August, that they originate in, migrate from, and annually return to Bering Sea.

It has been stated in print that I said I had seen pups born on the kelp in the water. This is a gross misrepresentation. I merely said that it had been reported to me that such birth had been witnessed, and quoted as my authority Capt. E. H. McAlmond, of the schr. *Champion* (p. 203, vol. 1, of U. S. Fish Commission's Report).

Pelagic sealing was carried on by the Indians at Neah Bay long before I first went among them, but they were then, and until within a few years, provided only with their canoes, spears, and other native implements, constituting the necessary outfit for an aboriginal seal-hunter. The destruction wrought by them upon the seal herd was, compared with the vast number of which it was composed, very slight, and did little harm to any one, while the result to the Indians was then and is still of great importance. Now, pelagic seal-hunting is carried on in quite a different manner. Numerous expeditions are fitted out in well-equipped vessels, some of them under both steam and sail, manned by whites and Indians, and armed with guns and spears. I am informed

and believe that the herd has greatly decreased within the last two or three years, and that if pelagic sealing is not soon checked the herd will be driven hither and thither and so decimated as to render it commercially valueless. This would be a great wrong to the Indians, who are dependent in a great measure upon the seals for a livelihood, as well as a needless, wanton waste, which civilized nations ought not to permit. It can not be denied that the natives, who have utilized the seal fisheries adjacent to their settlements from their earliest history and profited by them, deserve some consideration. I believe that in order to preserve the rookeries upon the islands and build them up to their former productiveness, it is only necessary to restrict pelagic seal-hunting to the coast south of 54° 40' and confine it to the use of the primitive methods formerly employed by the natives.

JAMES G. SWAN.

Subscribed and sworn to before me this 27th day of May, 1892.

[SEAL.]

CHAS. L. BAILEY,

Notary public in and for the State of Washington, residing at Port Townsend.

Deposition of Charles H. Townsend, naturalist.

CITY OF WASHINGTON, District of Columbia, ss:

Charles H. Townsend, being duly sworn, deposes and says:

I am thirty-three years of age, and my profession is that of a naturalist. I am attached to the U. S. Fish Commission steamer *Albatross*, with which Commission I have been connected for nine years. Occupying the position of resident naturalist on that vessel, as I did, I have collected constantly during this period

Experience.

and have hunted with all kinds of firearms and under various conditions. I have made seven voyages to Alaska.

I visited the Pribilof Islands for the first time in 1885, spending the months of June and September thereon in making collections of natural-history specimens, including those of the fur-seal, of which I brought down twenty. In the year 1891 I again visited the Island of St. Paul, arriving there July 28th and remaining there about ten days. The British Commissioners were on the Island at that time. I made frequent observations as to the conditions of the rookeries during this period. Early in the summer of 1892 I visited, at the request of the U. S. Government, Guadeloupe Island, for the purpose of acquainting myself with seal life there and of obtaining skulls of the fur-seals which formerly frequented those regions. Later in 1892 I once more visited the Island of St. Paul, arriving there June 30th. I was there on the Island and on the U. S. Revenue steamer *Corwin*, cruising to the west of the Islands, continuously until about August 15th, and was engaged during all of this time in the study of seal life either on land or in the waters of Bering Sea, and have shot seals from a small boat.

I carefully noted the fact this year that the young seal is at birth attached to a large placenta, equal perhaps to one-third of its weight and of a bright red color. It is sometimes Birth of pups. not expelled until an hour or so after birth, remaining attached in the meanwhile by the umbilical cord to the pup. It frequently remains attached to the pup for a day or more. After parturition the female takes an immediate interest in her young, and if it has fallen into some slight rock crevice she gently draws it towards her, taking its nape in her teeth. She repeatedly turns to it with manifestations of affection.

Prior to July 27th, 1892, many of the females had taken to water to feed and could thereafter be seen returning at all times Feeding females. to suckle their young. I quote the following written memorandum made by me at St. Paul on that date: "Bulls on rookeries getting exhausted and quiet, mostly sleeping. Cows largely at sea. Some bulls have hauled out on sand beaches that so far have been bare. Four-fifths of the seals on rookeries to-day are pups."

July 28th I made the following note: "Many females coming from the water bleating for their young."

I have killed sea-lions at the following localities, where they breed in considerable numbers, and found their breeding grounds impregnated with the same rank, disagreeable smell that Excrementitious matter. is so noticeable a feature of the breeding grounds of the Pribilof fur-seal: Light-house Rock, Alaska Peninsula, Farallone Islands and Monterey Rock, California, San Benito Islands, Lower California, and San Luis Islands in the Gulf of California.

The soil and rocks at these places is as foul with seal excrement as at the Pribilofs, where urine, excrement, decaying placentas, and other filth rubbed and trodden into the soil and rock depressions cause the odors so characteristic of this vicinity. The rocks at Monterey may be used in illustration: They lie near Cypress Point, four or five hundred yards off the shore which the carriage drive follows, and are covered with hair seals, which breed there. They are conspicuously stained with excrement, and where the animals lie thickest the ground is smeared and slippery with it. I collected sea-lions there in January of the present year, and after my shooting had frightened all the animals off to sea the rank smell of the place itself drifted across the channel into the nostrils of the tourists of Hotel del Monte, who witnessed our operations. It would indeed be an extraordinary occurrence if fur-seals

did not deposit excrement upon their breeding grounds in the same way that all other animals of this class do.

As already stated above, I was attached to the steamer *Corwin* during the past summer, and I made all the examinations of Nursing females. the stomachs of the seals referred to in Captain Hooper's report, covering, in all, thirty-three seals. I annex hereto photographs of two of the seals which were dissected and examined by me on the deck of the steamer *Corwin*. These seals were taken on the 2nd day of August, 1892, at a distance of about 175 miles from the islands. The photographs exhibit the mammary glands and convey a good idea of the considerable size of these glands, which in all cases were filled with milk. The inference is unavoidable that the pup is a voracious feeder, and this inference is in keeping with the observations I have made on the rookeries where I have repeatedly seen pups suckle for half an hour at a time. The mammary gland is very widely spread over the lower surface of the animal; beginning between the fore flippers, in fact at the anterior of the sternum, it extends well up under the armpits and back to the pubic bones. The milk glands are quite thick and completely charged with milk. The photographs, especially the first one, exhibit the milk streaming from the glands on to the deck.

Annexed to the report of Captain Hooper is a table giving the results of the examination of forty-one (41) seals which were killed in Bering Sea in 1892. It appears that of this number twenty-two (22) were nursing seals. The photographs hereto annexed show exactly the way all of these nursing female seals looked when cut open on the deck of the *Corwin*.

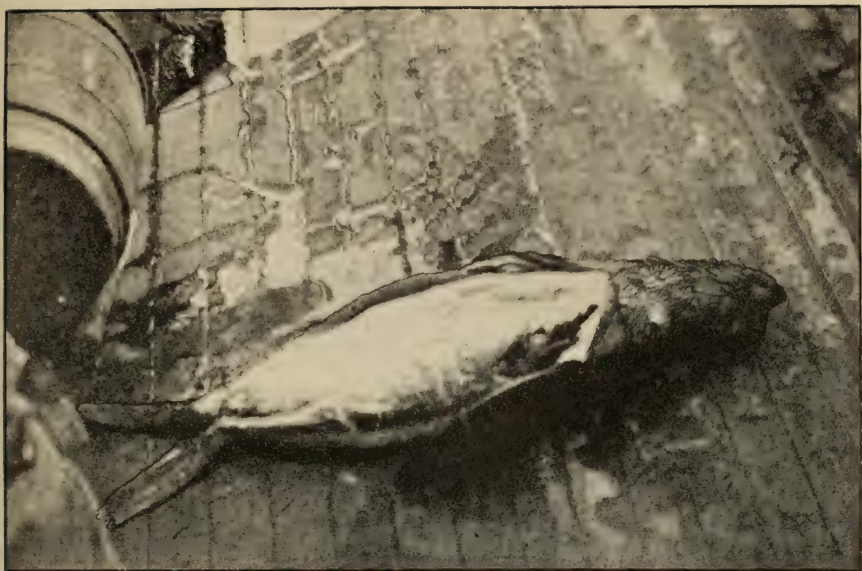
From the fact that among the females thus taken and examined there were found mostly nursing cows, with a small number Barren females. of virgin cows, it is reasonable to conclude that there are practically no barren females swimming about in the sea unattached to the islands, or that at any rate, if such seals exist, they are rarely, if ever, taken. In all my experience I never saw anything to lead me to the conclusion that there is such a thing as a "barren" female. In the case of the virgin cows a careful examination of the uterus proved them to be too immature for conception.

In the stomachs of many of the seals examined as above stated there were found large quantities of fish, mainly codfish. Food of females. There is nothing surprising in this fact, that codfish should be found in the stomachs of surface feeders such as seals are. While taken at the bottom, the codfish is not restricted to deep water. It is found from the shallows along the shore out to the banks where fishermen usually take them. They are often taken at intermediate depths, but fish taken at the bottom are, as a rule, larger.

The cod is a voracious feeder upon squid which abound at the surface. In Alaskan waters I have taken hundreds with the dip net, after attracting them with the electric light of the *Albatross*.* In its frequent migrations from bank to bank the cod passes over tracts of ocean where the water is of profound depth. It is a regular feeder upon herring and many other fishes which school at the surface, and in Alaskan waters frequently follows the fisherman's bait from the bottom to the surface.

As a result of my combined observations upon land and water, as hereinbefore detailed, I have no hesitation in stating positively that soon after a female gives birth to her young she leaves the island in

* See Report of Work of *Albatross*, Bull. U. S. Fish Com., 1888.



FEMALE SEAL. SKIN REMOVED TO SHOW GREAT EXTENT OF MAMMARY GLANDS.

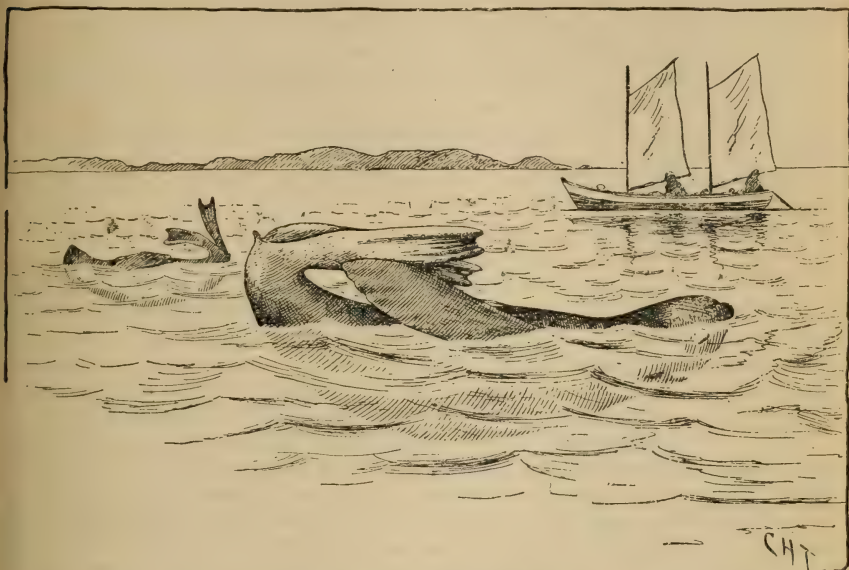


FEMALE SEAL. MAMMARY GLANDS REMOVED TO SHOW THEIR SIZE AND SHAPE.

quest of food, that she travels great distances in search of it, and that she returns to the islands heavily laden with milk.

While hunting in the *Corwin's* boats many seals were fired upon when asleep. They usually sleep with their head to leeward and keep it moving uneasily from side to side, but with the nose held clear of the water. A sleeping seal has his vital parts pretty well submerged—the nose, lower jaw, and flippers being usually held above the surface, although a little more appears at times according to the condition of the sea and the movements of the animal.

Pelagic sealing.



One has to be very close to get a shot at the head that will kill it. Many times the animal is wounded sufficiently to get out of reach of the hunter before it dies. I had very little difficulty in approaching sleeping seals close enough for a fair shot, but much in killing them. Fair shots that scattered the charge all about them, hitting the flippers, I firmly believe, and in some cases drawing plenty of blood, were usually without result, until I learned to fire directly at the head. Then the shots began to prove fatal, but even then, unless hit in a vital part the animals got away, though bleeding freely. At first I blamed the ineffectual firing on the cartridges, but the cartridges proved all right as soon as I learned to aim at the head and not at the animal as a whole.

Wounding.

I learned after some experiment that seals which dashed away apparently uninjured were usually hurt, and after following them persistently, at great labor to the boat-pullers, found that they were bleeding.

I believe that the majority of sleeping seals fired at are struck. The number killed at the Islands with buckshot in them bears out this claim to a considerable extent. I do not see how an ordinary marksman can shoot at so large a target as a seal at short range with a double-barrel gun loaded with 21 buckshot without striking some of the exposed portions of the animal.

Most sleeping seals struck.

It is from the instantly killed, that seals are secured; the wounded animal uses its death struggle to get out of reach. What proportion

the seals reaching the Pribilofs with shot in them bear to those which are fired at and escape (wounded, as I state above) is not known, but I believe that fully as many perish leaving no trace as recover sufficiently to reach the islands.

Feeding seals shot when raising their heads about the boats from curiosity are more likely to be killed instantly than sleeping seals, but they sink more quickly. A clear shot at the head is afforded, which knocks the life completely out of them, and the rest of the body being under water at the time it would seem that the pressure upon the limp body forces the air from it. As a rule seals killed instantly, when the head is entirely clear of the water, go down quickly, sinking stern foremost. Sleeping seals killed when the head is low in the water float for a time, the head settling into the water first, the air is retained in the body and it floats. I shot a seal off Guadeloupe Island in May when it raised its head close to the boat, killing it instantly. It sank before we could reach it with the gaff and continued sinking, *stern first*, as we could plainly see far below in the clear water.

Another illustration of the wastefulness of pelagic sealing might be found in the number of cartridges expended. During the work of the Corwin no record of this kind was kept. The hunter usually carried two or three dozen cartridges, which were as a rule expended before they returned to the ship. The number of seals lost by sinking, number wounded, and number secured were recorded.

Repeated firing from the boats was often heard on board ship and a large number of empty shells would be returned, when comparatively few seals were definitely reported as secured, lost, or wounded, all other shots being supposed to be misses. I do not think this feature has received proper consideration. The hunters were certainly average marksmen, and it is my belief that the great majority of the sleeping seals fired at were struck. The guns used were 10-bore Parkers, loaded with 21 buckshot. Time after time I have seen the heavy charge strike about the sleeping seal, fully expecting to see it killed, when, to my utter surprise, it would dive and come up beyond our reach. It is incredible that the great number of seals thus escaping were uninjured. How can one always find traces of blood or signs of injury when the frightened animal is retreating at a rate so rapid that it is soon out of sight, and especially as its course is mainly under water, and it only appears at the surface with a porpoise-like leap to catch its breath and then dives again,

CHARLES H. TOWNSEND,

Subscribed and sworn to before me this 10th day of December, A. D. 1892.

[SEAL.]

JNO. B. RANDOLPH,
Notary Public.

Deposition of William H. Williams, United States Treasury Agent in charge of Pribilof Islands.

DISTRICT OF COLUMBIA,
City of Washington, ss :

William H. Williams, being duly sworn, says:

The British Commissioners, upon their arrival at the Pribilof Islands in 1891, presented me a letter signed by Chas. Foster, Secretary of the

Treasury, wherein I was directed to extend every courtesy to them. In pursuance of such instructions I did everything possible to aid them in getting information on the seal islands. I had the natives come to the Government House whenever they desired, that they might question them in regard to the habits and conditions of seal life. I also gave them free access to all records on the islands, including the daily Journals, showing what transpired on every day of the year, and their secretaries spent several days going through these records by themselves, making such notes and extracts from them as they pleased. They were invited to visit the rookeries, observe the drives and killings, to note the methods of counting the skins into the salt-house, and to make any examinations they pleased on the Islands.

WM. H. WILLIAMS.

Subscribed and sworn to before me this 20th day of December, 1892.

[SEAL.]

CHAS. L. HUGHES,
Notary Public.

Deposition of William H. Williams, United States Treasury Agent in charge of Pribilof Islands.

DISTRICT OF COLUMBIA,
City of Washington, ss :

William H. Williams, being duly sworn, deposes and says:

I am the U. S. Treasury Agent in charge of the Pribilof Islands; I was in charge of the Government interests on those Islands in 1891, and was present on St. Paul Island, Alaska, July 27th, 1891, the date of arrival of the English Commissioners, to wit, Sir George Baden-Powell and Dr. George M. Dawson. I again went to these Islands in the same capacity in 1892.

Experience.

At the time of the arrival of the British Commissioners in 1891 the breeding grounds did not present the compact form they did about the 12th of July, for disintegration and spreading had been going on for several days, thus making their appearance as to size very misleading. In 1891 I instituted the practice of frequent visits to the breeding rookeries by myself and Assistant Agents Murray and Nettleton, and from about the 1st to the 20th of July I required these visits to the rookeries to be made daily. Each agent made careful note of his observations and reported to me the result at the close of his day's work. United States Treasury Agent J. Stanley-Brown also coöperated with me in this work, and his statements confirmed the reports of the other agents. One of the objects of these visits to the rookeries was to determine the condition of the harems and at what date in that year the cow seals appeared in the greatest numbers on the breeding rookeries. It was the unanimous opinion of all the Government Agents that the breeding rookeries were at their fullest July 12th, and the following entry was made at the time in the Government Journal on St. Paul Island, to wit: "Sunday, July 12.—During the past five or six days the rookeries have been carefully scanned, and it is believed that at this date they are at their very best for this year. To all appearances it may with safety be presumed that the pups are fully 95 per cent of the cows," thus leaving only 5 per cent of the cows

Rookeries when in prime condition.

to bring forth their young after this date. I presume that by the 25th of July not over 1 per cent of them were left.

On July 12th the cows, having nearly all given birth to their young, were going to and coming from the sea. The English Commissioners arrived at the Islands about noon of July 27th and remained on and about St. Paul Island until the morning of the 31st of July, at which time they sailed for St. George Island, about forty miles distant, returning to St. Paul on the evening of August 2nd and remaining until the morning of August 6th. They next returned to the Islands August 19th and left August 20th, again returning on the morning of the 15th of September, and took their final departure September 16th. The foregoing dates cover all the time that the English Commissioners were on or about the Islands, and as they had their quarters on board the S. S. *Danube*, anchored from a half to a mile off shore, they spent but a portion of their time each day on the Islands. During the time included in the foregoing dates there were but three small drives of seals made and they were for food, to wit:

St. Paul Island:	
August 3rd. Reef Rookery, killed	118 seals
August 11th. Northeast Point Rookery, killed	467 seals
St. George Island:	
August 1st. North and Zapadnie Rookeries, killed	26 seals

The seal drives take place very early in the morning, and to the best of my recollection the English Commissioners did not see a drive nor were they present at any of the killings on St. Paul except that of August 3rd. The principal drives had taken place that year, as in all previous years, prior to July 27th, and between July 27th and August 11th only a few seals were killed, and those were for food. From August 11th to October 1st no seals were taken for any purpose, except that during this period 178 were killed for food on St. George.

I visited Southwest and English Bays about the middle of July, 1891, when the harems were at their fullest, in a small sail boat and sailed close in shore near the rookeries; while the seals were somewhat disturbed, yet they would only retreat a few feet from the harem when they would turn and show fight, and as soon as we had passed them a short distance they would resume their usual position on the rookeries.

In the fore part of July, 1891, I saw a cow seal give birth to her young on Lukannon Rookery, and watched her for a long time; after giving birth to her young she fondled and caressed it; placing herself in a good position she gently pushed it to her breast that it might suckle her, showing all the care and affection for her young that is exhibited in other animals; a few days thereafter while visiting the same rookery I came upon a cow seal with her young sheltered behind a rock just back of the rookery; she at once showed fight and refused to leave her young, but stayed with it, and I went away leaving her there. Also in the latter part of July I went out on the Reef just back of the rookeries on the west side, and as I came near one of the rookeries there were a few cow seals that were scattered some little distance from their harems; one of the cow seals that had her young by her side picked it up in her mouth and carried it some distance and then, placing it on the ground by her side, prepared to defend it, and showed the greatest solicitude for its safety.

Visit of British Commissioners.

British Commissioners present at but one killing.

Seals not easily frightened.

Affection of cow for pup.

In the year 1891 there were no bachelor seals driven from Tolstoi hauling grounds on St. Paul Island; since 1890 practically no bachelor seals have hauled out on Tolstoi, but the seals driven from this part of the island were taken from a hauling ground known as Middle Hill, which is at least a quarter of a mile from the nearest breeding seals.

No driving from Tolstoi in 1891.

On or about the 10th of November, 1892, when at the office of the Alaska Commercial Company in San Francisco, I asked and received permission to examine and weigh some of the fur-seal skins from their warehouse where they had stored several hundred bundles. I weighed one of the largest and one of the smallest bundles. The first weighed sixty-eight and the latter twenty pounds; I then had the bundles cut open and personally examined them. Each bundle contained but two skins. Those from the first bundle were what are known as wigs, and those from the second what are known as yearling pups; in both bundles there was the usual amount of salt, but in the case of the smaller bundle the skins had quite an amount of blubber left on them, which aided in absorbing the salt, and thus added very materially to the weight of the skins. In my judgment, the yearling skins when first removed from the seals would not have weighed more than five pounds to the skin.

Weight of bundles.

I also had the porter who handles and cares for the furs of the Alaska Commercial Company try to bundle the two large and one small skin together, and although he was an expert at handling skins, anyone familiar with the business would have quickly discovered that there was something unusual in the appearance of the bundle. I also had him try to bundle the four skins together, but the failure was much more marked than in the former case; and I am of the opinion that not more than two skins can be bundled together without leaving marked characteristics easy observable to anyone of ordinary intelligence, and which would have been instantly detected by the Government officers on the island and by the inspector at San Francisco who examines them as they are removed from the vessel.

Difficult to place more than two skins in a bundle.

I have read section 759 of the English Commissioners' report. The facts, so far as they relate to me, were as follows: On the morning of the 27th of July the watchmen at Northeast Point telephoned to the village that they thought they could hear gunshots out at sea (it being too foggy to see the boats, if any). Mr. Redpath and myself drove over to Northeast Point and had a talk there with Mr. Fowler and the watchmen, and also started to personally inspect the rookeries. A little later I was informed that I was wanted at the telephone by Mr. Tingle. For all I know, Mr. Tingle may have worked the telephone quite hard before getting me to answer, because I was on the rookery. What he had to say to me was that the English Commissioners had arrived at the village and were very desirous of seeing me personally. I requested Mr. Tingle to say to the English Commissioners that I would return to the village at once. If anything was said about schooners or poachers by me it was to the effect that I had seen none, for there were none to see. Mr. Tingle, of course, could not notify me of schooners about Northeast Point, for I was on the ground and he was 12 miles distant.

Section 759 of British commissioners' report.

A whaling brigantine passed near the village July 29 and had a perfect right to do so without interference. It is a very common occurrence for the watchman to report sails from ten to fifteen miles off

Northeast Point, and I have known several to be so reported in one day. It is a noted track for whalers, and it would be absurd to detain every vessel that sailed past the islands. Suspicious looking schooners are watched with sufficient care. If the vessel the Commissioners saw had undertaken to raid a rookery it would have met with a warm reception. I do not pretend to say that the British Commissioners were not vividly impressed with the events they record. I merely state the facts as they were, so that everyone can form his own impressions of them.

WM. H. WILLIAMS.

Subscribed and sworn to before me this 20th day of December, 1892.

[SEAL.]

SEVELLON A. BROWN,

Notary Public in and for the District of Columbia.

OBSERVATIONS OF SEALS AT SEA.

Report No. 1 of seals seen by U. S. S. Adams.

Date, 1892.		Hour.	Position: Latitude and longitude.	Seals seen.								Distance from islands.
Month.	Day.			Number.	Playing.	Traveling.	Speed in miles.	Sleeping.	Large.	Medium.	Small.	
July	20	3-4 a. m.	Lat. 55° N., long. 167° 45' W.	5	1	4	10	...	1	2	2	
"	"	4-5 "	" 55° 10' " " 168° "	11	6	NE. 5 "	3	...	11	...	...
"	"	5-6 "	" " " " " " "	41	12	NE. 25 "	3	4	3	27	11	
"	"	6-7 "	" 55° 20' " " 168° 10' "	26	14	NE. 9 "	3	3	3	21	2	
"	"	7-8 "	" " " " " " "	24	14	" 4 "	3	6	4	14	6	
"	"	8:30-9 "	" 55° 30' " " 168° 15' "	1	1	" "	...	...	...	...	...
"	"	11 "	" 55° 50' " " 168° 50' "	2	...	1	...	1	...	...	...
"	"	12:20 p. m.	" 56° " " " 169° "	1	1	" "	...	...	...	...	...
"	"	12:45 "	" " " " " " "	1	1	SW	2.4	...	...	...	1	
"	"	1:20 "	" " " " " " "	12	12	" "	4.5	...	2	1	...	
"	"	1:30 "	" " " " " " "	1	1	" "	4.5	...	...	1	...	
"	"	1:35 "	" " " " " " "	1	1	SE	4.5	...	...	...	1	
"	"	3:30 "	" " " " " " "	1	1	" "	4.5	...	...	...	1	
"	"	5:20 "	St. George	3	...	WNW	3	...	3	...	...
"	"	5:24 "	" " " " " " "	2	...	" "	2	...	...	...	2	
"	"	5:27 "	" " " " " " "	1	...	NW	2	...	1	...	...
"	"	6:45 "	" " " " " " "	1	...	NE	2	...	...	1	...	
"	"	7:00 "	" " " " " " "	2	...	" "	3	...	...	2	...	
"	22	4 p. m.	Lat. 57° N., long. 170° W.	1	...	" "	...	...	...	...	1	
"	"	5:45 "	" " " " " " "	1	...	SW	4	...	...	1	...	
"	"	6:25 "	" " " " " " "	1	...	E	4	...	...	1	...	
"	24	5 "	" 55° 45' " " 171° 30' "	1	...	SW	4	...	...	1	...	
"	"	6 "	" " " " " " "	1	...	SW	4	...	...	1	...	
"	"	6:30 "	" " " " " " "	2	2	" "	...	...	...	...	...
"	25	4:30 a. m.	Lat. 56° 20' N., long. 170° 50' W.	2	2	" "	...	...	...	...	...
"	"	8-9 "	" 56° 38' " " 170° 57' "	3	...	" "	3	...	...	...	3	
"	26	12-1 p. m.	" 56° 27' " " 171° 39' "	3	3	" "	...	...	1	2	...	
"	"	4-5 "	" 56° 07' " " 171° 45' "	5	...	" 4 "	4	1	2	3	...	
"	"	6-7 "	" 55° 50' " " 171° 46' "	2	...	" 2 "	...	...	...	...	...
"	"	7-8 "	" 55° 45' " " 171° 40' "	1	...	" 1 "	...	...	...	1	...	
"	29	12-1 "	" 55° 11' " " 171° 17' "	20	...	NW	...	...	...	20	...	
"	"	2-3 "	" 55° 07' " " 171° "	4	...	" "	...	...	4	...	...
"	"	3-4 "	" 55° 05' " " 170° 45' "	3	...	" "	...	...	...	...	...
"	"	4-7 "	" 55° " " " 170° 30' "	40	...	N	...	...	...	40	...	
"	"	4 a. m.	" 56° " " " 170° 46' "	5	2	" 3 "	5	...	1	2	2	

THOS. NELSON,
Commander, U. S. Navy, Commanding.

UNALASKA, ALASKA, July 31, 1892.

Forwarded for the information of the State Department.

R. D. EVANS,
ComJr., U. S. Navy, Comdg. U. S. Naval Force, Bering Sea.

True copy from the records of the Bureau of Navigation, Navy Department, December 22, 1892.

F. M. RAMSAY,
Chief of Bureau.

Report No. 2 of seals seen by U. S. S. Adams.

Date, 1892.			Position: Latitude and longitude.	Seals seen.							Distance from islands	
Mo.	Day.	Hour.		Number.	Playing.	Traveling.	Speed in miles.	Sleeping.	Large.	Medium.		Small.
Aug.	7	2-3 a.m.	Lat.55° 20' N., long.163° 50' W.	10	10		(Night)					220 miles.
"	10	5-6 "	" 55° 30' " " 165° 20' "	3	2			1		3		160 "
"	10	7-8 "	" 55° 48' " " 165° 40' "	2	2					2		140 "
"	10	9-10 "	" 55° 50' " " 166° "	1	1	WNW	6			1		130 "
"	10	9.40 "	" 55° 50' " " 166° 00' "	2				2	2			130 "
"	10	10.45 "	" 55° 55' " " 166° 05' "	3	3					3		125 "
"	10	11. "	" 56° " " " 166° 20' "	1	1						1	125 "
"	10	11.15 "	" 56° " " " 166° 20' "	1		SE	4		1			120 "
"	10	11.50 "	" 56° " " " 166° 20' "	1		E	3			1		120 "
"	13	4.10 "	" 56° 15' " " 173° 50' "	1	1						1	133 "
"	13	" " "	" " " " " " " "	1		NE	5		1			" "
"	13	4.30 "	" " " " " " " "	2	2							" "
"	13	5. "	" " " " " " " "	8	8				1	2		" "
"	13	5.25 "	" " " " " " " "	1	1						7	" "
"	13	5.45 "	" " " " " " " "	2	2					2		150 "
"	13	5.45 "	" " " " " " 172° 50' "	1		SW	7			1		133 "
"	"	6:30 "	" " " " " " " "	2	2	SW	7				2	" "
"	"	10:30 "	" 55° 30' " " 174° 15' "	4		SE					4	150 "
"	16	5:00 p.m.	" 56° 50' " " 170° 30' "	1	1					1		10 "
"	17	6:40 "	" 56° 20' " " 169° 15' "	6	6				1	2	3	30 "
"	17	10 "	" 55° 45' " " 168° "	2		N						60 "
"	17	11 "	" " " " " " " "	1		N						60 "

Very respectfully,

THOS. NELSON,
Commander, U. S. N., Commanding.

DUTCH HARBOR, ALASKA, August 13, 1893.

Forwarded for the information of the State Department.

R. D. EVANS,
Comdr., U. S. N., Comdg. U. S. Naval Force, Bering Sea.

True copy from the records of the Bureau of Navigation, Navy Department, December 22, 1892.

F. M. RAMSAY,
Chief of Bureau.

Report of seals seen by U. S. S. Ranger.

Date.			Latitude and longitude.	Number seen.
Month.	Day.	Hour.		
July...	24	2:30 a.m.	Lat. 57° 10' N., long. 169° 26' W.	One.
"	24	3:30 "	" 57° 14' " " 169° 31' "	One.
"	27	2:30 p.m.	" 56° 27' " " 166° 50' "	One.
"	28	9:00 a.m.	" 56° 01' " " 168° 18' "	One.
"			About 20 seals seen from 10 to 15 miles SE. of St. Paul Island.	
"	30	10:30 "	Lat. 57° 48' N., long. 167° 38' W.	Two.
"	30	12:40 p.m.	" 58° 00' " " 167° 30' "	One.
"	31	2:00 "	" 56° 53' " " 165° 19' "	One.
Aug...	1	12:00 m.	" 57° 16' " " 166° 38' "	Two.
"	2	12:30 p.m.	" 55° 42' " " 165° 13' "	One.
"	2	2:30 "	" 55° 31' " " 165° 26' "	Two.
"	2	5:40 "	" 55° 11' " " 165° 42' "	One.
"	3	5:30 "	" 54° 08' " " 166° 38' "	One.

True copy from the records of the Bureau of Navigation, Navy Department, December 31, 1892.

F. M. RAMSAY,
Chief of Bureau.

Report of seals seen by U. S. S. Ranger—Continued.

Date.			Lat. and longitude.		Distance from nearest seal island.	State of weather.		Barometer.		Wind.		Sea.		Seals.	
Month.	Day.	Hour.	Lat.	Long.		State of weather.	Barometer.	Ther.	Force.	Direction.	State of—	Direction.	Number seen.	Playing.	Sleeping.
Aug.	5	5:30 a.m.	Lat. 54.56 N.	Long. 166.40 W	150 miles.	.....	.....	.....	.....	.....	.....	.....	One.	.....	.....
	5	6:30 p.m.	" 55.03 "	" 166.40 "	146 "	.....	.....	.....	.....	.....	.....	.....	One.	.....	.....
	5	8:20 a.m.	" 55.15 "	" 166.42 "	138 "	.....	.....	.....	.....	.....	.....	.....	One.	.....	.....
	5	10:20 "	" 55.31 "	" 166.43 "	127 "	.....	.....	.....	.....	.....	.....	.....	One.	.....	.....
	5	11:30 "	" 55.41 "	" 166.44 "	122 "	.....	.....	.....	.....	.....	.....	.....	Six.	.....	.....
	5	4:00 p.m.	" 56.14 "	" 166.46 "	106 "	.....	.....	.....	.....	.....	.....	.....	Three.	.....	.....
	5	5:05 "	" 56.21 "	" 166.50 "	102 "	.....	.....	.....	.....	.....	.....	.....	Four.	.....	.....
	6	4:00 a.m.	" 56.49 "	" 168.08 "	58 "	.....	.....	.....	.....	.....	.....	.....	One.	.....	.....
	6	8:00 "	" 56.54 "	" 168.48 "	39 "	.....	.....	.....	.....	.....	.....	.....	Seven.	.....	.....
	6	9:30 "	" 57.02 "	" 169.25 "	25 "	.....	.....	.....	.....	.....	.....	.....	One.	.....	.....
	6	12 noon.	" 57.10 "	" 169.50 "	28 "	.....	.....	.....	.....	.....	.....	.....	Nine.	.....	.....
	6	1:00 p.m.	Near east landing, St. Paul			.....	.....	.....	.....	.....	.....	.....	Five.	.....	.....
	7	8:00 p.m.	Lat. 57.04 N.	Long. 168.05 "	63 "	.....	.....	.....	.....	.....	.....	.....	One.	.....	.....
	8	5 p.m.	" 55.28 "	" 164.08 "	177 "	.....	.....	.....	.....	.....	.....	.....	Two.	.....	.....
	8	8 p.m.	" 55.28 "	" 164.08 "	177 "	.....	.....	.....	.....	.....	.....	.....	Nine.	.....	.....
	10	11: a.m.	" 57.32 "	" 166.25 "	123 "	.....	.....	.....	.....	.....	.....	.....	One.	.....	.....
	11	4:00 "	" 57.39 "	" 165.25 "	135 "	.....	.....	.....	.....	.....	.....	.....	One.	.....	.....
	12	9:00 "	" 56.35 "	" 167.53 "	67 "	.....	.....	.....	.....	.....	.....	.....	Two.	.....	.....
	12	3:35 p.m.	" 57.13 "	" 167.41 "	78 "	.....	.....	.....	.....	.....	.....	.....	Three.	.....	.....
	13	7:00 a.m.	" 57.46 "	" 169.58 "	65 "	.....	.....	.....	.....	.....	.....	.....	Four.	.....	.....
	13	8:00 a.m.	" 57.40 "	" 170.03 "	58 "	.....	.....	.....	.....	.....	.....	.....	Three.	.....	.....
	14	7:00 "	" 57.33 "	" 167.20 "	97 "	.....	.....	.....	.....	.....	.....	.....	Two.	.....	.....
	14	11:00 "	" 57.34 "	" 166.20 "	127 "	.....	.....	.....	.....	.....	.....	.....	One.	.....	.....
	14	7:00 p.m.	" 57.26 "	" 165.15 "	155 "	.....	.....	.....	.....	.....	.....	.....	Eight.	.....	.....
	15	6:00 a.m.	" 56.18 "	" 166.07 "	125 "	.....	.....	.....	.....	.....	.....	.....	Nine.	.....	.....
	15	7:00 "	" 56.12 "	" 166.12 "	124 "	.....	.....	.....	.....	.....	.....	.....	Three.	.....	.....
	15	12 noon.	" 55.42 "	" 166.30 "	128 "	.....	.....	.....	.....	.....	.....	.....	Two.	.....	.....
	15	7 p.m.	" 56.20 "	" 165.11 "	157 "	.....	.....	.....	.....	.....	.....	.....	One.	.....	.....
	16	9:00 a.m.	" 56.20 "	" 164.37 "	175 "	.....	.....	.....	.....	.....	.....	.....	One.	.....	.....
	24	6:00 p.m.	" 55.39 "	" 167.05 "	111 "	.....	.....	.....	.....	.....	.....	.....	Eight.	.....	.....
	25	8 a.m.	" 56.45 "	" 169.25 "	16 "	.....	.....	.....	.....	.....	.....	.....	One.	.....	.....
	25	5 p.m.	Near St. Paul island			.....	.....	.....	.....	.....	.....	.....	Two.	.....	.....
	26	8 a.m.	Lat. 58.09 N.	Long. 172.50 "	129 "	.....	.....	.....	.....	.....	.....	.....	One.	.....	.....
	27	8 a.m.	" 59.41 "	" 173.45 "	217 "	.....	.....	.....	.....	.....	.....	.....	Two.	.....	.....
	28	4 p.m.	" 59.05 "	" 174.35 "	206 "	.....	.....	.....	.....	.....	.....	.....	One.	.....	.....
	30	10:20 a.m.	" 58.20 "	" 170.58 "	104 "	.....	.....	.....	.....	.....	.....	.....	Two.	.....	.....
	31	2 p.m.	" 55.30 "	" 168.20 "	88 "	.....	.....	.....	.....	.....	.....	.....	One.	.....	.....

Forwarded for the information of the State Department.

True copy from the records of the Bureau of Navigation, Navy Department, December 22, 1892.

F. M. RAMSAY, Chief of Bureau.

Comdr. U. S. N., Comdg. U. S. Naval Forces Behring Sea.

R. D. EVANS,

Report of seals seen by U. S. S. Yorktown.

Date.			Latitude and longitude.		Distance from seal islands.	State of weather.	Barometer.		Wind.		Sea.		Seals.			
Month.	Day.	Hour.					Barom-eter.	Ther.	Direction.	Force.	State of—	Direc-tion.	No. seen.	Play-ing.	Sleep-ing.	
July	23	10:15	{ Seen during run from village, St. George Island, to SW. anchorage of St. Paul Island.			203 miles..	O. C. F.	30.01	50	S. W.	4	S.	4	P.	.....
	23	10:35					"	30.01	50	"	4	"	1	P.
	23	11:10					"	30.00	51	"	3	"	1	P.
Aug	23	11:45	{			203 miles..	F.	23.99	56	S. S. W.	4	"	2	P.	.....
	3	1:50						54° 54' N., 165° 10' W.	23.94	54	W. N. W.	3	"	2	P.
	3	3:20						55° 03' N., 164° 50' W.	23.90	54	W. S. W.	3	"	2	P.
	4	2:10					55° 21' N., 162° 32' W.	23.70	56	W. S. W.	3	"	1	P.	.....
	4	4:50					55° 45' N., 163° 55' W.	23.68	54	West.	3	"	1	P.	.....
	5	7:30					56° 24' N., 167° 15' W.	23.53	54	W. N. W.	3	"	3	P.	.....
	5	8:25					"	23.53	54	N. N. E.	1	"	3	P.	.....
	5	9:08					"	23.53	50	North.	2	"	1	P.	.....
	5	9:40					"	23.54	57	"	2	"	1	P.	.....
	5	12:50					"	23.56	58	W. N. W.	4	"	1	P.	.....
	6	5:50					58° 30' N., 169° 00' W.	23.55	50	Calm.	2	"	1	P.	.....
	6	9:40					"	23.58	52	"	0	"	1	P.	.....
	6	10:20					"	23.58	54	"	0	"	1	P.	.....
	6	11:40					58° 18' N., 170° 40' W.	23.60	56	"	0	"	1	P.	.....
	6	12:20					58° 20' N., 170° 42' W.	23.60	57	"	0	"	1	P.	.....
	6	12:23	"	23.60	57	"	0	"	9	P.	.....				
	6	12:24	"	23.60	57	"	0	"	1	P.	.....				
	6	12:45	"	23.60	57	"	0	"	4	P.	.....				
	6	12:50	"	23.60	57	"	0	"	1	P.	.....				
	6	12:55	"	23.60	57	"	0	"	6	P.	Feeding.					
	6	1:05	"	23.60	57	"	0	"	1	P.	Feeding.					
	6	1:05	"	23.60	57	"	0	"	4 (pups).	P.	.....				
	6	1:20	"	23.60	57	"	0	"	1 (pup).	P.	.....				
	6	1:20	"	23.60	57	"	0	"	1 (bull).	P.	.....				
	6	1:30	"	23.60	57	"	0	"	5 (pups).	P.	.....				
	6	1:35	"	23.60	57	"	0	"	1	P.	.....				
	6	1:40	58° 28' 00" N., 171° 10' W.	23.60	57	"	0	"	2	P.	A.					
	6	1:45	58° 15' 00" N., 171° 02' 00" W.	23.60	56	North.	1	"	2	P.	A.					
	6	1:55	"	23.60	54	"	1	"	1 (pup).	P.	A.					
	6	2:00	"	23.60	54	"	1	"	3 (pups).	P.	A.					
6	2:10	"	23.60	54	"	1	"	3	P.	.....					
6	2:30	"	23.60	54	"	1	"	2	P.	.....					
6	3:00	"	23.60	54	Calm.	0	"	5	P.	.....					
6	4:10	"	23.60	54	"	0	"	1	P.	.....					
6	4:10	"	23.60	54	"	0	"	1	P.	.....					
6	4:15	"	23.60	54	"	0	"	1	P.	.....					
6	4:15	"	23.60	54	"	0	"	1	P.	.....					
6	4:19	"	23.60	54	"	0	"	4	P.	.....					
6	4:21	"	23.60	54	"	0	"	4	P.	.....					

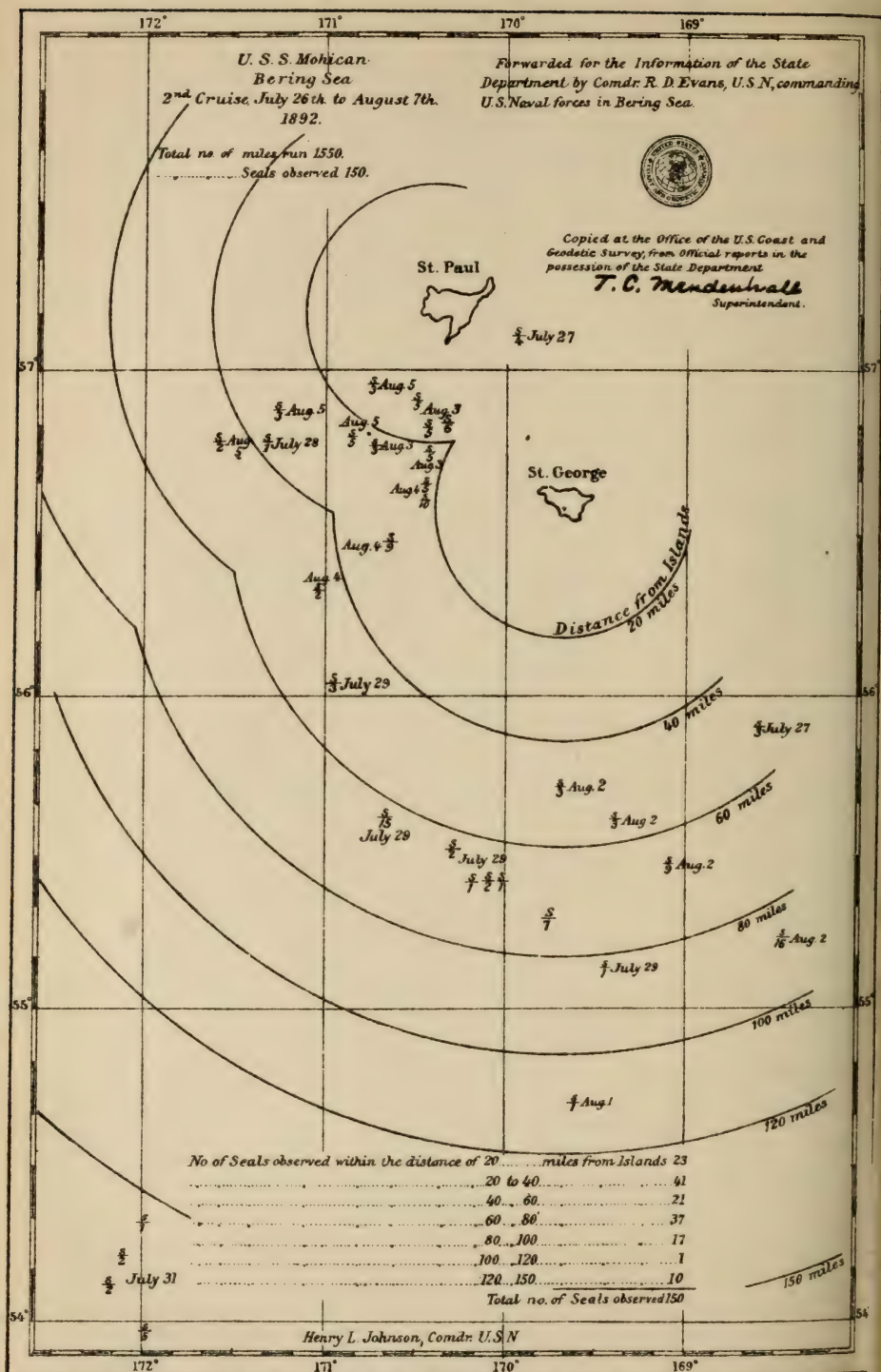
4	4:35	58° 30' N., 171° 33' W.	113	"	"	29.60	54	"	0	"	"	1	P.	.....
6	5:10	"	118	"	"	29.60	54	"	0	"	"	2	P.	.....
6	5:11	"	118	"	"	29.60	54	"	0	"	"	2	P.	.....
6	5:18	"	118.5	"	"	29.60	54	"	0	"	"	4	P.	.....
6	5:20	"	118.5	"	"	29.60	54	"	0	"	"	1	P.	.....
6	5:25	"	119.5	"	"	29.60	54	"	0	"	"	1	P.	.....
6	5:27	"	119.5	"	"	29.60	54	"	0	"	"	1	P.	.....
6	5:30	"	120	"	"	29.60	54	"	0	"	"	1	P.	.....
6	5:30	"	120	"	"	29.60	54	"	0	"	"	1	P.	.....
6	5:35	"	122.5	"	"	29.60	54	"	1	"	"	2	P.	.....
6	5:35	"	123	"	"	29.60	54	"	1	"	"	2	P.	.....
6	5:40	"	123.5	"	"	29.60	54	"	1	"	"	1	P.	.....
6	6:45	"	124	"	"	29.60	54	"	1	"	"	1	P.	.....
6	7:13	"	135	"	"	29.60	54	"	1	"	"	1	P.	.....
6	7:26	58° 40' N., 172° 17' W.	137	"	"	29.60	54	"	1	"	"	2	P.	.....
6	7:30	58° 18' N., 175° 10' W.	186	"	"	29.62	52	"	1	"	"	2	P.	.....
7	7:40	58° 15' N., 175° 15' W.	189	"	"	29.62	52	"	3	"	"	2	P.	.....
9	1:15	56° 12' N., 178° 50' E.	383	"	"	29.89	59	"	0	"	"	1	P.	.....
9	1:45	56° 11' N., 178° 50' E.	399	"	"	29.90	59	"	0	"	"	1	P.	.....
10	8:12	54° 07' N., 176° 25' E.	480	"	"	29.98	55	"	1	"	"	1	P.	.....
11	11:23	53° 30' N., 179° 50' W.	405	"	"	30.18	55	"	1	"	"	3	P.	.....
12	3:45	53° 42' N., 174° 32' W.	250	"	"	30.26	56	"	2	"	"	1	P.	.....
12	8:45	"	215	"	"	30.26	56	"	2	"	"	1	P.	.....
12	8:51	"	214	"	"	30.26	56	"	2	"	"	1	P.	.....
12	11:19	"	205	"	"	30.20	57	"	1	"	"	1	P.	.....
12	12:35	"	196	"	"	30.20	57	"	1	"	"	1	P.	.....
12	12:50	"	195	"	"	30.20	57	"	1	"	"	1	P.	.....
12	1:00	"	195	"	"	30.20	57	"	1	"	"	2	P.	.....
12	1:14	"	195	"	"	30.20	57	"	1	"	"	2	P.	.....
12	1:50	"	194	"	"	30.20	57	"	1	"	"	2	P.	.....
12	1:57	"	194	"	"	30.20	57	"	1	"	"	2	P.	.....
12	2:01	"	193	"	"	30.20	57	"	1	"	"	2	P.	.....
12	2:35	"	192	"	"	30.20	57	"	1	"	"	2	P.	.....
12	3:34	"	190	"	"	30.20	57	"	1	"	"	2	P.	.....
12	3:36	"	190	"	"	30.20	57	"	1	"	"	4	P.	.....
12	4:30	"	183	"	"	30.19	56	"	1	"	"	2	P.	.....
12	4:30	"	183	"	"	30.19	56	"	1	"	"	2	P.	.....
12	4:58	"	182	"	"	30.19	56	"	1	"	"	1	P.	.....
12	5:02	"	182	"	"	30.19	56	"	1	"	"	2	P.	.....
12	5:12	"	181	"	"	30.19	56	"	1	"	"	4	P.	.....
12	5:20	"	181	"	"	30.19	56	"	1	"	"	2	P.	.....
12	5:57	"	180	"	"	30.19	56	"	1	"	"	1	P.	.....

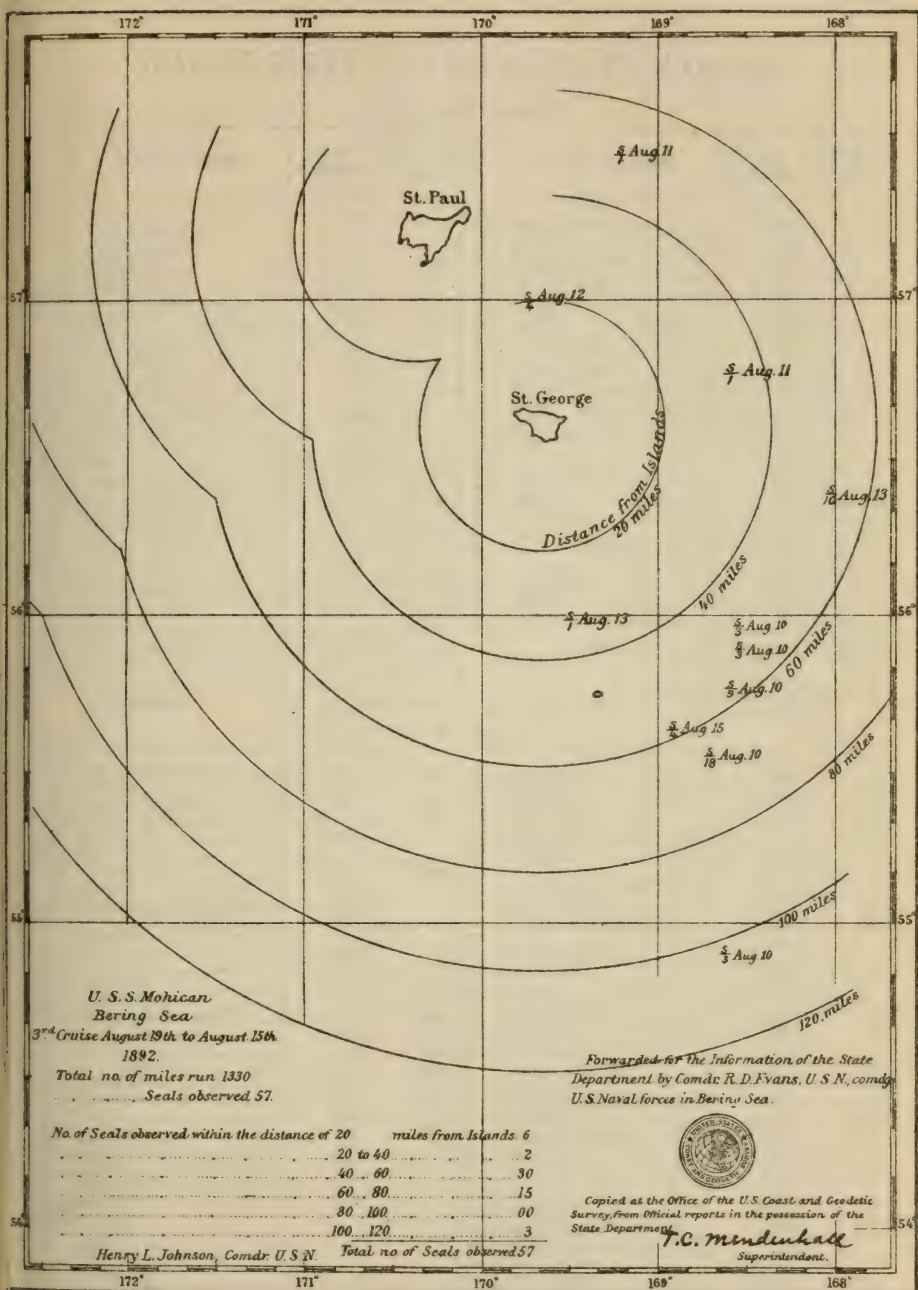
Forwarded for the information of the State Department.

True copy from the records of the Bureau of Navigation, Navy Department, December 22, 1892.

R. D. EVANS,
Comdr'r U. S. N., Comd'g U. S. Naval Force, Bering Sea.

F. M. RAMSAY,
Chief of Bureau.





SEALING FLEET AND PELAGIC CATCH OF 1892.

AMERICAN VESSELS.

	Name of vessel.	Total catches.	Catches on Asiatic side.		Name of vessel.	Total catches.	Catches on Asiatic side.
1	Active.....	41	.....	29	Jas. G. Swan.....	440	.....
2	Albert Walker.....	4	.....	30	Kadiak.....	350	.....
3	Alexander*.....	.....	.....	31	Kate and Ann.....	1,431	1,372
4	Allie L. Alger.....	1,712	1,500	32	La Nina.....	318	.....
5	Anaconda.....	1,250	(†)	33	Lewis White.....	1,000	1,000
6	Bessie Rutter.....	.....	.....	34	Lilly L.....	589	.....
7	Bowhead.....	1,815	1,815	35	Lottie*.....	166	.....
8	Casco.....	1	(†)	36	Louis Olsen.....	1,842	(†)
9	C. C. Perkins.....	130	.....	37	Mary Brown.....	20	.....
10	C. G. White.....	988	700	38	Mary Parker.....	.....	.....
11	Challenge.....	30	.....	39	Mary Thomas.....	43	.....
12	C. H. White.....	.....	.....	40	Maria III.....	150	.....
13	City of San Diego.....	558	(†)	41	Mattie T. Dyer.....	1,187	(†)
14	Clara.....	.....	.....	42	May flower.....	.....	.....
15	C. S. White.....	987	.....	43	Mist.....	56	.....
16	Czarine.....	121	.....	44	Moonlight.....	.....	.....
17	Dawn.....	128	.....	45	Pearl.....	30	.....
18	E. E. Webster.....	2,200	2,200	46	Rosie Sparks.....	442	.....
19	Emma and Louise.....	1,342	.....	47	Saint Paul.....	2	.....
20	Emmet Felix.....	400	.....	48	San Diego.....	2,069	1,511
21	Garcia.....	.....	.....	49	Sophie Sutherland.....	1,603	.....
22	Geo. R. White.....	60	.....	50	Teaser.....	122	.....
23	Hellen.....	.....	.....	51	Undaunted.....	328	.....
24	Hellen Blum.....	2	.....	52	Unga.....	.....	.....
25	Henry Dennis.....	2,400	550	53	Willard Ainsworth†.....	880	.....
26	Herman.....	.....	.....		Total.....	28,037	11,948
27	Idler.....	.....	.....		
28	Ivanhoe.....	1,300	1,300				

* Wrecked.

† Visited Asiatic side of the Pacific.

‡ Seized.

BRITISH VESSELS.

1	Agnes McDonald.....	964	373	37	Mascot.....	446	119
2	Ainoko.....	740	.....	38	Maud S.....	1,702	748
3	Annie C. Moore.....	990	447	39	May Belle.....	524	230
4	Annie E. Paint.....	1,019	421	40	Mermad.....	402	238
5	Ariel (1).....	268	.....	41	Minnie (1).....	5	.....
6	Ariel* (2).....	.....	.....	42	Minnie (2).....	500	.....
7	Arietas.....	1,156	738	43	Mischief.....	661	.....
8	Aurora.....	378	.....	44	Mountain Chief*.....	118	.....
9	Beatrice (Vancouver).....	678	.....	45	Ocean Belle.....	1,461	646
10	Beatrice (Victoria).....	570	.....	46	Oscar and Hattie*.....	472	261
11	Borealis.....	507	.....	47	Otto.....	263	.....
12	Brenda.....	921	512	48	Pathfinder.....	.....	.....
13	Cape Beale.....	27	.....	49	Penelope.....	1,707	1,362
14	Carmelite*.....	879	.....	50	Pioneer.....	429	.....
15	C. D. Rand.....	28	.....	51	Rosie Olsen*.....	.....	.....
16	Charlotte G. Cox.....	2,737	696	52	Sadie Turple.....	695	244
17	C. H. Tupper.....	1,817	542	53	Sapphire.....	970	.....
18	Dora Sayward.....	897	673	54	Sea Lion.....	1,934	833
19	E. B. Marvin.....	2,045	430	55	Teresa.....	565	175
20	Enterprise.....	507	507	56	Thistle.....	83	4
21	Favorite.....	652	202	57	Triumph.....	541	257
22	Fawn.....	480	.....	58	Umbria.....	1,473	623
23	Geneva.....	1,290	600	59	Vancouver Belle.....	1,300	.....
24	Henrietta*.....	152	.....	60	Venture.....	165	.....
25	Kate.....	270	.....	61	Victoria.....	581	558
26	Katharine.....	433	.....	62	Viva.....	1,748	.....
27	Labrador.....	275	.....	63	Walter A. Earle.....	1,866	541
28	Laurat.....	.....	.....	64	Walter L. Rich.....	386	204
29	Letitia.....	.....	.....	65	Wanderer.....	137	.....
30	Libbie.....	39	.....	66	Willie McGowan*.....	93	.....
31	Lily.....	.....	.....	67	Winnifred*.....	100	.....
32	Lydia.....	.....	.....	68	W. P. Hall.....	416	416
33	Maggie Mac†.....	.....	.....	69	W. P. Sayward.....	1,080	900
34	Maria*.....	27	.....		Total.....	45,357	14,804
35	Mary Ellen.....	846	304				
36	Mary Taylor.....	942	.....			

* Seized.

† Wrecked.

RECAPITULATION.

	Total number of skins taken.	Skins taken on Asiatic side.
By American vessels	23,037	11,948
By British vessels	45,357	14,804
Total	73,394	26,752

One hundred and twenty-two vessels took in all 73,394 skins; average catch per vessel, 601.59 skins.
 Ninety-five vessels took on the east side of the Pacific Ocean 46,642 skins (from the Pribilof herd);
 average catch per vessel, 490.96 skins.

Forty vessels took on the west side of the Pacific Ocean 26,752 skins (from the Commander herd).
 average catch per vessel, 668.8 skins.

DISTRICT OF COLUMBIA,
City of Washington, ss:

George L. Scarborough, being duly sworn, deposes and says: I am a clerk in the Department of State. The annexed table, compiled by me, represents the vessels engaged in pelagic sealing and the nationalities and catches of the same during the year 1892. The data from which the table has been compiled are reports of officials of the State, Treasury, and Navy Departments of the United States, statistics obtained from persons engaged in the fur trade and by the press, and information obtained from competent and reliable persons.

GEO. L. SCARBOROUGH.

Sworn to before me this 24th day of December, 1892.

[SEAL.]

SEVELLON A. BROWN,

Notary Public in and for the District of Columbia, U. S. A.

MISCELLANEOUS.

SEALSKINS FROM THE PRIBILOF ISLANDS ENTERED AT SAN FRANCISCO, 1872 TO 1889.

Statement of the number of fur-seal skins received by the Alaska Commercial Company from ports in the Territory of Alaska, and entered at the port of San Francisco, California.

Year.	No. of sealskins.	Year.	No. of sealskins.
1872.....	99,975	1881.....	99,766
1873.....	99,744	1882.....	99,922
1874.....	99,998	1883.....	75,000
1875.....	99,976	1884.....	99,960
1876.....	89,964	1885.....	99,850
1877.....	75,526	1886.....	99,982
1878.....	99,980	1887.....	99,954
1879.....	99,962	1888.....	100,012
1880.....	100,036	1889.....	100,000

I, the undersigned, hereby certify that the foregoing statement is compiled from the original Return Manifests of the vessels conveying said sealskins, now on file in the Custom House in the city of San Francisco; that such statement is compiled from the count made at the said port of San Francisco by the United States customs officers when said vessels were unloaded, as appears in the aforesaid Return Manifests. Said statement has also been compared with the duplicate receipts to the Alaska Commercial Company from the United States Treasury, now on file in this Custom House, which said receipts were given on payment of the agreed tax per skin on all skins taken by said Company on the Pribilof Islands, said receipts also containing the number of skins on which said tax was paid; and that said statement and said receipts, so compared, practically agree as to number of skins received at this port by the said Alaska Commercial Company and the number on which said Company paid the tax fixed by the lease of the Pribilof Islands to said Company.

Done at the Custom House in the city of San Francisco, California, this 18th day of November, 1892.

[SEAL.]

E. B. JEROME,
Spl. Dy. Coll.

SALES OF SEALING SCHOONERS.

No. 243.

UNITED STATES CONSULATE,
BRITISH COLUMBIA,
Victoria, B. C., September 27, 1889.

I, Robert J. Stevens, consul of the United States at Victoria, B. C., do hereby certify that the signature of Theodore T. Williams at the foot of the writing hereunto attached is his true and genuine signature made and acknowledged in my presence, and that the said Theodore T. Williams is personally known to me; and I do further certify that the said Williams has sworn before me to the truth of the statement, to wit: Statement setting forth the record of sealing schooners sold at public auction by J. P. Davis, auctioneer, Sept. 26th, 1885.

In witness whereof, I have hereunto set my hand and affixed the seal of the consulate at Victoria, B. C., this day and year next above written, and of the independence of the United States the one hundred and fourteenth.

[SEAL.]

ROBT. J. STEVENS,
Consul of the United States.

VICTORIA, B. C., September 29th, 1889.

Record of sales of sealing schooners at public auction, made by J. P. Davis & Co., Victoria, B. C.

Copy made from page 416 of the sale book of J. P. Davis & Co., Victoria, B. C.—T. T. Williams.

SEPTEMBER 26TH, 1885—J. A. SAYWARD.

	Lien.	Selling price.
Steam schooner <i>Thornton</i> :		
Mortgage, \$4,000; interest, \$513.33	\$4, 513. 33	\$1. 00
Steam schooner <i>Anna Beck</i> :		
Mortgage, \$6,000; interest, \$490	6, 490. 00	1. 00
Steam schooner <i>Grace</i> :		
Mortgage, \$12,000; interest, \$1,457.77	13, 457. 77	1. 00
Steam schooner <i>Dolphin</i> :		
Mortgage, \$12,000; interest, \$1,457.77	13, 457. 77	1. 00
One-half interest schooner <i>Bonanza</i> :		
Mortgage, \$3,000; interest, \$440	3, 440. 00	1. 00
One-half interest schooner <i>Wm. P. Sayward</i> :		
Mortgage, \$3,000; interest, \$385	3, 385. 00	1. 00
Schooner <i>Rutter</i> :		
Mortgage, \$1,500.00; interest, \$72.50	1, 572. 50	1. 00
	<hr/> 46, 316. 37	<hr/> 7. 00

T. T. WILLIAMS.

TABLES OF CATCHES.

Spring and Coast Catches of sealing vessels, combined and compiled from the British Commissioners' Report (pp. 205, 211, 212).

[Period occupied in sealing, four and one half months.]

Year.	Number of vessels.	Number of skins.	Average number per vessel.	Average number per day.
1889	21	12,371	589	4.2
1890	30	21,890	713	5.2
1891	45	20,727	460	3.3
Average for the year			587	4.3

NOTE.—Prior to 1889 the so called "Coast Catch" of that year was combined with the Bering Sea Catch, so that it is impossible to tell how many seals were taken in the North Pacific alone. (See Br. Comrs. Report, p. 211, note.)

Bering Sea Catches, compiled from the British Commissioners' Report (pp. 205, 211, 212).

[Period occupied in sealing, two months.]

Year.	Number of vessels.	Number of skins.	Average number per vessel.	Average number per day.
1889	16	15,497	968	16.1
1890	24	18,165	756	12.6
1891	46	28,888	626	10.4
Average for three years			783	13.0

NOTE.—Until 1889 many skins counted in the Bering Sea Catches were taken in the North Pacific, so that no data can be compiled as to the Bering Sea Catches prior to that year. (See Br. Comr. Report, p. 211, note.)

Average catch per vessel and per boat or canoe in the Spring catch of the Victoria sealing fleet. (Br. Comr. Report, pp. 205, 210, 211, 212.)*

Year.	Number of vessels.	Spring catch.	Average per vessel.	Number of boats and canoes.	Average per boat or canoe.
1886	16	11,921	745	101	118.0
1887	16	8,502	531	117	72.6
1888	18	7,676	426	147	52.3
1889	19	6,129	322½	151	40.6
1890	27	4,658	172½	226	21.5
1891	28	3,565	124	229	15.5

*Prior to 1889 the so-called "Coast Catch" did not include skins taken north of Vancouver Island (Note p. 211, Br. Comr. Report) and it therefore corresponds to the "Spring Catch" in the table for 1889 and following years.

TITLE-PAGE OF A LONDON CATALOGUE OF FUR-SEAL SKINS.

C. M. LAMPSON & Co.

London, 31st March, 1892.

AT THE SALES OF SALTED FUR-SEAL SKINS.

THIS DAY.

 C. M. LAMPSON & CO.

Skins

632 N. W. COAST, &c., part stagy (low).....	} Sold the same as in January last.
2,472 CAPE HORN.....	

 GOAD, RIGG & CO.

1,519 N. W. COAST, part stagy (low).....	} Sold the same as in January last.
1,969 CAPE GOOD HOPE.....	

LETTERS TO THE SECRETARY OF STATE.

[American Museum of Natural History, Central Park (77th St. & 8th ave.) Department of Mammalogy and Ornithology. J. A. Allen, curator. Frank M. Chapman, asst. curator.]

NEW YORK CITY, *Dec. 7, 1892.*

HON. JOHN W. FOSTER,
Secretary of State, Washington, D. C.:

DEAR SIR: Your letter of yesterday is before me. In the letter of Captain Bryant, dated June 14, 1870, and published by me (Bull. Mus. Comp. Zool., Vol. II, No. 1, Aug. 1870, p. 88), the phrase "the present year" refers to the year 1870 and not to the year 1869.

The words "in 1869" on p. 332 of the 'monograph' should read *in 1870.*

In this connection it is safe to assume that we have no definite information as to the number of seals occurring off the coast of Oregon, Washington, and British Columbia during the years immediately preceding the year 1869, and we only know of their numbers there in 1869 in consequence of the fact that it was during this year "that the first practical essays were made in taking seals at sea" off this coast. (See British Report, Sec. 64, and Judge Swan's letter, p. 172, and first paragraph of p. 174.) Probably seals would have been found here in just as great abundance in previous years had any one had occasion to especially look for them.

Very truly, yours,

J. A. ALLEN.

MATTAPOISETT, MASS., *Dec. 15th, 1892.*

HON. JOHN W. FOSTER,
Secretary of State, Washington, D. C.:

DEAR SIR: I am in receipt of your communication of the 14th inst. and hasten to reply. My letter of June 4, 1870, to Prof. Allen, was a private letter containing such fragmentary additional information as I had picked up in conversation with various parties whom I had met during my stay in San Francisco while waiting for the revenue cutter *Lincoln* to be got ready; and also from Capt. Scammon of the *Lincoln* who had had some previous experience in taking hair-seals for their oil on the coasts and islands of southern California.

In my search for information I found small parcels of dried fur-seal skins that had found their way down from the coast of British Columbia, through various channels; as nearly as I can remember I estimated them in all from fifteen hundred to two thousand skins; they were mostly the pups of the year before (1869), and in their present condition were hardly worth shipping to London. I was told by these parties holding them that more than the usual number had been seen and taken that season—the word "season" in this instance referring to the previous winter and spring, that of 1869-'70—after the seals had left the islands in 1869.

In making these inquiries I was told by these parties who had purchased these skins that more than the usual number had been taken there that season. In referring to this statement, it was intended to mean more seals, comparatively, had been seen than in ordinary years. I doubt not that the popular demand had stimulated the search more than usual, which would account for the greater number observed.

I have no doubt, however, that the numbers of seals seen there vary

from year to year with the movements of the migratory fishes, which they follow to feed upon.

In 1869 about 85,000 young seals were taken by the natives. I never stated that any such number were taken in 1870. The full number taken in 1870 was less than 25,000.

I remain yours to command,

CHARLES BRYANT.

LETTER FROM JUDGE JAMES G. SWAN CONCERNING BERING SEA COMMISSIONERS AND H. W. ELLIOTT.

[Published by permission of Judge Swan.]

PORT TOWNSEND, WASH., *October 23, 1891.*

DEAR MISS SCIDMORE: * * * I received a telegram from Dr. Dawson, one of the Royal Commissioners on Bering Sea, to go to Victoria and meet him and Sir George Baden-Powell, the other commissioner, and talk about seals, and accordingly I went on Monday, the 12th, and met the gentlemen at the Driard House and had a very pleasant interview. Dr. Dawson said: "It is impossible for men living on rookeries to find out anything about the migratory habits of the seals, and we have made this point our special study. Several books have been written on seal life from information derived solely from men on the rookeries and naturally not many facts have been elicited. We have found habits of seals that are not even mentioned in these works. Elliott's work on seals is amusing. I have no hesitation in saying that there is no important point that he takes up in his book that he does not contradict somewhere else in the same covers. He says in one place that no imagination could picture more crowded islands than the seal rookeries, and, a few pages after, states that the decrease of seals on those same islands was gradually getting more noticeable. His work is superficial in the extreme."

The Royal Commissioners did not confine their investigations to the Pribilof Group, as hitherto all the American special agents and commissioners have done, but followed down the coast, calling at various places to interview Indians, and even went to Neah Bay and conversed with the old chief, who knows me and who corroborated everything I have stated in my report to Professor Baird which Elliott denounced as unreliable. They found that all I have stated about the habits of the fur-seal at Cape Flattery is strictly true. Dr. Dawson said that now an opposition company has the lease of the Pribilof Islands, and the Alaska Commercial Company are willing to tell of things which hitherto they have kept to themselves and they obtained some valuable information from them which they will embody in their report. There are different classes of seals in Bering Sea easily distinguished. The Royal Commissioners also have found that the seals of Cape Flattery do not go to Bering Sea at all, but go to Cook's Inlet, Cross Sound, and other of the Fjords and inlets of South-eastern Alaska, where they are found and killed by Indians during the same months of the breeding season on the Pribilof Islands. In short, he knocks Elliott's munchausonisms into smithereens and vindicates me in my statement.

My friend, Capt. Hooper, of the United States revenue-cutter *Corwin*, told me on his return recently that all through this controversy about seals and their habits not one of the cutter officers had been required to report about seals until this season. "We did not attempt to make any volunteer statement," said he, "but now we are required to report, and mean to tell all I know." "You have seen the seal pups swimming around at Neah Bay, as I have stated," said I. "Yes, repeatedly, and now that I have an opportunity I intend saying so. You have knocked Elliott higher than a kite, and I am glad of it, because you have had truth on your side, and Elliott had fiction and romance on his side." The old saying comes true, said I, that when thieves fall out honest men get their dues. Now, that these two monopolizing corporations have fallen out, truth will prevail. I have fought Elliott for more than ten years, and now I have come out victor and I am glad of it. If our special agents to the rookeries had been as careful to arrive at exact facts about the habits of fur-seals as this Royal Commission has, I would have been vindicated long ago.

I intend writing an article on the present status of this seal question for the *Seattle Post-Intelligencer*, and when published I will send you a copy. Say to inquiring friends that my flag is still at the masthead and never has been lowered in this controversy with Elliott. When I know I am right I will stick to the truth before any one. All your Port Townsend friends are well.

Very cordially,

JAMES G. SWAN.

Miss E. R. SCIDMORE,
1502 Twenty-first Street, Washington, D. C.

STATEMENT OF C. M. LAMPSON & CO.

64 QUEEN STREET, E. C.,
London, 8th Decr., 1892.

We hereby certify that no bundle of fur-seal skins shipped to us by the Alaska Commercial Company ever contained more than two skins.

We further certify that, to the best of our information and belief, all sealskins taken by the Alaska Commercial Company from the Pribilof Islands, throughout the term of their lease, were consigned to and sold by us.

C. M. LAMPSON & Co.

STATEMENTS OF ALFRED FRASER.

A.—CONCERNING THE NUMBER OF SKINS IN A BUNDLE.

50 WALL ST., NEW YORK CITY,
December 7, 1892.

I hereby certify that during the years from 1870 to 1876 I personally supervised the unpacking and counting of all sealskins received by Messrs. C. M. Lampson & Company in London from the Alaska Commercial Company. I have in this way seen many thousands of bundles opened, but never saw or heard of one that contained more than two skins.

ALFRED FRASER.

CITY AND COUNTY OF NEW YORK, ss:

On this 28th day of December, 1892, personally appeared before me Alfred Fraser, the person whose name is signed to the foregoing, and acknowledged to me that he executed the same.

[SEAL.]

EDWIN B. WOODS,

Notary Public, Kings Co.; Certificate filed in N. Y. Co.

B.—CONCERNING THE NUMBER OF SKINS SOLD BY C. M. LAMPSON & CO. FOR ACCOUNT OF THE ALASKA COMMERCIAL COMPANY.

Exhibit A, attached to my affidavit verified April 1, 1892, contains a statement of the salted fur-seal skins sold in London between the years 1870 and 1891. In order to deduce from this statement the number of fur-seal skins taken by the Alaska Commercial Company under its lease of the Pribilof Islands, this statement should be modified as follows:

(a) From the number of skins therein stated to have been sold in the year 1870 there should be deducted about 5,900 skins which were taken from the Pribilof Islands prior to the time when the said lease took effect upon the islands.

(b) The number of skins therein stated to have been sold in 1874 should be 99,150. Through a clerical error I originally gave this number as 90,150.

(c) The skins therein stated to have been sold in 1890 and 1891 were not taken from the Pribilof Islands by the Alaska Commercial Company.

I annex hereto press copy of statement of skins sold by C. M. Lampson & Co. for account of the Alaska Commercial Company from 1871 to 1884, which statement was prepared at London in the year 1884.

ALFRED FRASER.

NEW YORK, *December 6, 1892.*

STATE OF NEW YORK,

City and County of New York, ss:

On this 6th day of December, one thousand eight hundred and ninety-two, before me personally appeared Alfred Fraser, to me known and known to be the individual described in and who executed the foregoing instrument, and he acknowledged to me that he executed the same.

[SEAL.]

EDWIN B. WOODS,
Notary Public, Kings Co., Certificate filed in N. Y. Co.

Alaska fur-seal skins sold for account of the Alaska Commercial Company.¹

1871.....	104, 899	1878.....	99, 911
1872.....	96, 283	1879.....	100, 036
1873.....	103, 724	1880.....	100, 161
1874.....	99, 150	1881.....	99, 921
1875.....	99, 634	1882.....	100, 100
1876.....	90, 267	1883.....	75, 914
1877.....	75, 410		

C.—CONCERNING THE WEIGHTS OF SKINS.

50 WALL STREET, NEW YORK,

December, 1892.

Looking over the invoices of sealskins shipped by the Alaska Commercial Company from 1872-'75, I find the smallest number of skins in any one cask in each of these years of—

1872,	46 skins,	weighing	568 pounds,	or	12½ pounds per skin.
1873,	39 “	“	567 “	“	14½ “ “ “
1874,	46 “	“	640 “	“	14 “ “ “
1875,	54 “	“	677 “	“	12½ “ “ “

The gross weights above given include cask, skins, salt, and string.

The annexed memorandum shows the average weight of all skins shipped by the Alaska Commercial Company.

There may have been, especially in the early years of the lease, a few bundles of skins from the Pribilof Islands weighing as much as 60 lbs., although I never remember seeing any of this weight.

ALFRED FRASER.

Average weight of Alaska salted fur-seal skins shipped to London.

Year.	Average per skin, say—	Year.	Average per skin, say—
	<i>Lbs. oz.</i>		<i>Lbs. oz.</i>
1871.....	11 0	1881.....	9 3
1872.....	8 10	1882.....	9 9
1873.....	10 5	1883.....	9 1
1874.....	10 14	1884.....	9 0
1875.....	9 5	1885.....	12 2
1876.....	8 14	1886.....	10 13
1877.....	Unknown.	1887.....	9 11
1878.....	9 1	1888.....	9 9
1879.....	8 15	1889.....	8 13
1880.....	8 9½		

NEW YORK, 15th December, 1892.

¹ This is compiled from the press copy referred to in the foregoing statement of Alfred Fraser.

CITY AND COUNTY OF NEW YORK, ss:

On this 28th day of December, 1892, personally appeared before me Alfred Fraser, the person whose name is signed to the foregoing, and acknowledged to me that he executed the same.

[SEAL.]


EDWIN B. WOODS,

Notary Public, Kings Co.; Certificate filed in N. Y. Co.

STATEMENT OF C. W. MARTIN & SONS, LONDON, ON THE COMPOSITION OF A CERTAIN PELAGIC CATCH OF SEALSKINS.


[C. W. Martin & Sons; telegraphic address, Tinmar, London.]

4 LAMBETH HILL, QUEEN VICTORIA ST., E. C.,
London, December, 1892.

We have made a careful examination of the sex of each one of the fur-seal skins designated in the annexed report and hereby certify the correctness of the results given therein. We are of [the] opinion, based upon the numerous holes found in them, that almost all, if not all, of these skins were taken from seals which were killed in the sea by shot or spear. We are informed by Messrs. C. M. Lampson & Company that these skins were received by them for account of the Russian Government through their Mr. Fraser, to whom they were consigned, in the latter part of the summer of 1892, at San Francisco, from Petropavlovsk by the Russian Sealskin Company. The casks in which they were received, were numbered one to twenty-one, and were marked as follows: "R. S. S. Co. 

C. W. MARTIN & SONS.

Report on 1,028 salted fur-seal skins as to sex, examined November 16th, 22d, and 23d, 1892.

	Assortment.	Ex- amined.	Doubtful.	Male.	Female.
R. S. S. Co.	2 wigs	2	.....	2	.....
	10 midgs.	10	.....	10	.....
	50 mid and sms.	50	13	.....	37
	322 smalls.	322	36	.....	286
	267 la. pups.	267	35	.....	232
	157 mid. "	157	30	.....	127
	35 sm. "	35	8	.....	27
	1 ex. sm. pup.	1	1	.....	.....
Aurania,	2 la. mids. cut	2	.....	2	.....
	3 mids. "	3	.....	3	.....
	17 mid. and sms. cut	17	3	.....	14
	71 sms. "	71	4	.....	67
Alaska,	48 la. pups.	48	6	.....	42
	37 mid. "	37	12	.....	25
	5 sm. "	5	2	.....	3
	1 faulty	1	.....	.....	1
ck. 1-21.	1,028	.....	150	17	861

	<i>Per cent.</i>
Doubtful	14.58
Male	1.66
Female	83.76

100

LONDON, November 26th, 1892.

C. W. MARTIN & SONS.

REPORT OF SPEECH MADE BY ONE OF THE BRITISH BEHRING SEA COMMISSIONERS.*

SIR GEORGE BADEN-POWELL AND THE BEHRING SEA QUESTION.

Speaking last night at a meeting of his constituents in the Kirkdale Division of Liverpool, Sir George Baden-Powell gave an account of his mission to the Behring Sea. He said that Lord Salisbury told him it was a very difficult, complex, and delicate question; that, above all things, he wanted to avoid war with the United States, but that at the same time he wanted to be strong, to show no fear in his policy, but to show that he was not going to yield one jot or tittle of British rights. [Loud cheers.] But Lord Salisbury had an additional purpose in sending him there. Three or four years ago the Americans seized some British vessels, imprisoned the captains and crews, and fined them for taking fur-seals out of the high seas. This country, of course, promptly denied that these vessels were acting illegally, and last summer and autumn, by their work in the Behring Sea, he thought they had finally brought that awkward dispute, which might have resulted in war, to arbitration, and it was his conviction that this country would win in that arbitration. [Cheers.]

He spent three months in the Behring Sea investigating the full facts. When he arrived there he found three British men-of-war and seven American Government ships, the latter with instructions to seize the British sealers if they attempted to seal; but the British Commissioners were able, without any breach of the peace, to make satisfactory arrangements which enabled the British sailors there to take home what seals they had got. [Cheers.] He had some difficulty in getting at the full facts of seal life on the American islands, but he managed to become good friends with the Americans, and parted with them affectionately after finding out all the facts. He discovered that no one knew where the seals went to after leaving these American islands, and he accordingly arranged that the three men-of-war placed at his service and the transport steamer which carried himself should explore all these seas. He thought they acquired, as a result of that exploration, all the facts as to the migration of the seals—facts never before known. To do this they had to go through a great deal of rough work; the weather was cold and there was usually fog, except when there was a gale, but somehow or other he found his body thoroughly suited to these elements, perhaps more so than to the House of Commons. [Laughter.]

Lord Salisbury had been good enough to say more than once that what was done in the Behring Sea greatly exceeded his expectations and those of her Majesty's Government. [Cheers.] The investigations they had made were important, but the friendliness they had established with the Americans and the Russians had yet to bear fruit, and Lord Salisbury was now very anxious that he should go back at once to Washington, there to consort with officials of the American Government, and to come to a joint agreement with them in view of the approaching arbitration. He was to leave on Saturday next, but he hoped to go back after two or three weeks' work in Washington, and to be able to report that the negotiations were as successful as the investigations. He was happy to say that both sides had not only

* Extract from the London Times of January 6, 1892.

agreed to leave the question to arbitration, but had agreed on the details of the arbitration, and he was convinced that all right-thinking public men, both in America and this country, were delighted to find that this serious bone of contention was to be put out of sight in such a happy and peaceful manner.

DECLARATION OF SEIZURE OF THE BRITISH SCHOONER MOUNTAIN CHIEF.

BY THOMAS NELSON, *Commander, U. S. Navy.*

I, Thomas Nelson, commander, U. S. Navy, commanding U. S. S. *Adams*, 3rd rate, do hereby declare that, on the twenty-ninth day of July, eighteen hundred and ninety-two, in latitude 54-57-09 N., longitude 170-18-30 W., I seized and took possession of the schooner named *Mountain Chief*, of Victoria, B. C., whereof Julius Mohrhause is master, and James Newasscunis, the registering managing owner, with all her crew, equipment, stores, and every article of whatsoever nature on board of her; the said schooner and her crew being then and there employed in taking seals in Bering Sea.

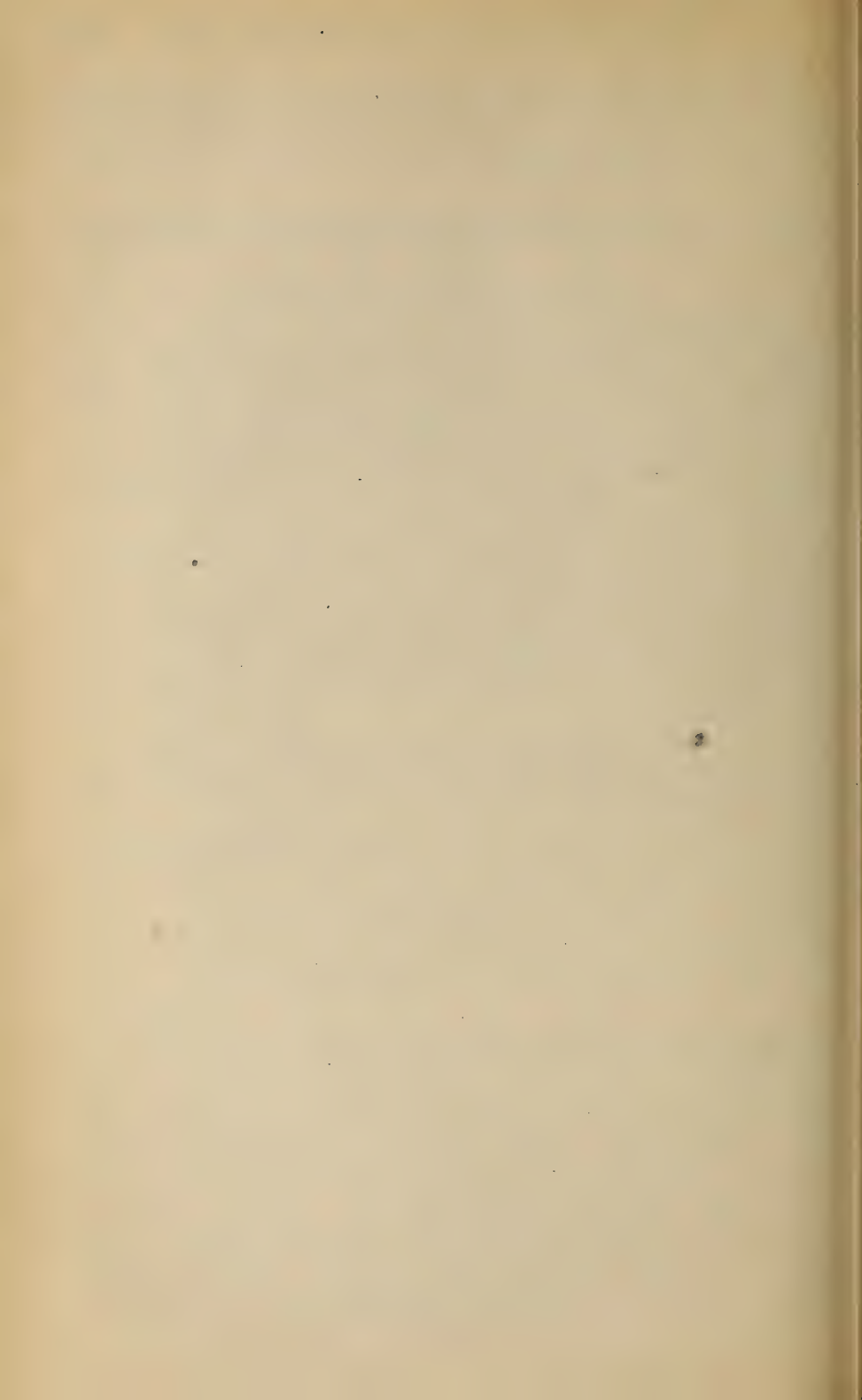
On the arrival of the boarding officer, Lieutenant D. W. Coffman, U. S. N., on board the schooner, he found seven seals on her deck, which had not yet been skinned, and six of which were females, a number of skins in the schooner's hold, and implements for taking seals, including two Indian boats or canoes; and further, that at the time of boarding the said schooner *Mountain Chief* one of her boats, with two Indians, was out and did not return to the schooner until after the seizure had been decided.

(Signed)

THOS. NELSON,
Commander, U. S. Navy, Commanding U. S. S. Adams.

True copy from the records of the Bureau of Navigation, Navy Department, Dec. 27, 1892.

F. M. RAMSAY,
Chief of Bureau.



CERTIFICATES AS TO SALE OF SCHOONERS SEIZED.

IN THE DISTRICT COURT OF SITKA, ALASKA.

No. 79.

UNITED STATES <i>vs.</i> STEAM SCHOONER DOLPHIN, HER TACKLE, ETC.	}	In admiralty. Writ of <i>venditioni ex- ponas</i> of the date Feby. 10, 1888.
--	---	--

FOR UNLAWFUL SEAL FISHING IN THE WATERS OF ALASKA.

1888.

Sept. 7. Transferred to U. S. Marshal T. J. Hamilton by Barton Atkins, U. S. marshal of Alaska, by order Department Justice. Steamer at Port Townsend, W. T.

1889.

March 26.	Sold steam schooner <i>Dolphin</i> , tackle, etc., to William Olsen for \$1,225; com. on sale 2 per cent first \$500, 1 per cent on balance.....	\$17. 25
March 28.	Towage, dockage, and moorage paid, voucher 1, S. B. Hastings, owner steamer <i>Enterprise</i>	40. 00
April 6.	Amount returned clerk court, Sitka, Ala	1, 167. 75
		Total proceeds of sale..... 1, 225. 00
April 6.	Sent Barton Atkins, U. S. M., Sitka, Alaska, $\frac{1}{4}$ of commission on sale.....	4. 31

UNITED STATES OF AMERICA, } ss:
 District of Washington.

I, Thomas R. Brown, United States marshal for the district of Washington, do hereby certify that the foregoing is a true and correct transcript of the record in the above-entitled case as the same appears in my office, in the docket of T. J. Hamilton, United States marshal for the Territory of Washington, at page No. 99.

In witness whereof I have hereunto set my hand at Tacoma, Wash., Dec. 29th, 1892.

THOS. R. BROWN,
 U. S. Marshal.

IN THE DISTRICT COURT OF SITKA, ALASKA.

No. 80.

UNITED STATES	} In admiralty. Writ of
<i>vs.</i>	
STEAM SCHOONER GRACE, HER TACKLE, ETC.	<i>venditioni exponas</i> of the date Feby. 10, 1888.

FOR UNLAWFUL FISHING IN THE WATERS OF ALASKA.

1888.

Sept. 7. Transferred to U. S. Marshal T. J. Hamilton by Barton Atkins, U. S. marshal of Alaska, by order of Department of Justice. Steamer at Port Townsend, W. T.

1889.

March 26.	Sold steam schooner <i>Grace</i> , her tackle, etc., to Carrigan & Lowe for \$1,525; com. on sale....	\$20. 25
March 28.	Towage, dockage, and moorage, L. B. Hastings, owner <i>Enterprise</i> , paid voucher 1.....	40. 00
March 27.	Wharfage from Sept. 7 to 21, 1888, \$20.00 for four, voucher 2, J. A. Kuhn.....	20. 00
April 6.	Amount returned into court, Sitka, Alaska	1, 444, 75
	Total proceeds of sale	1, 525. 00
April 6.	Sent Barton Atkins, U. S. M., Sitka, Ala., $\frac{1}{4}$ com. on sale	5. 06

UNITED STATES OF AMERICA, } *ss:*
District of Washington.

I, Thos. R. Brown, United States marshal for the district of Washington, do hereby certify that the foregoing is a true and correct transcript of the record in the above-entitled case as the same appears in my office in the docket of T. J. Hamilton, United States marshal for the Territory of Washington, at page No. 100.

In witness whereof I have hereunto set my hand at Tacoma, Wash., Dec. 29, 1892.

THOS. R. BROWN,
U. S. Marshal.

IN THE DISTRICT COURT AT SITKA, ALASKA.

No. 82.

UNITED STATES	} In admiralty. Writ of <i>venditioni exponas</i> of the date of Feb. 10, 1888.
<i>vs.</i>	
ANNA BECK, HER TACKLE, ETC.	

FOR UNLAWFUL FISHING IN THE WATERS OF ALASKA.

1888.

Sept. 7. Transferred to U. S. Marshal T. J. Hamilton by Barton Atkins, U. S. marshal of Alaska, by order of Department of Justice. Steamer at Pt. Townsend, W. T.

1889.

March 26.	Sold steam schooner <i>Anna Beck</i> , her tackle, etc., to Chestoka Peterson, for \$907; com. on sale..	\$14. 07
" 28.	Towage, and dockage, and moorage, paid voucher 1	40. 00
April 6.	Amount turned into court Sitka, Alaska.....	852. 93
		<hr/>
Total proceeds of sale.....		907. 00
" "	Sent Barton Atkins, U. S. M., Sitka, Alaska, $\frac{1}{4}$ com. on sale.....	3. 52

UNITED STATES OF AMERICA, } ss:
District of Washington.

I, Thos. R. Brown, United States marshal for the district of Washington, do hereby certify that the foregoing is a true and correct transcript of the record in the above-entitled case as the same appears in my office in the docket of T. J. Hamilton, United States marshal for the Territory of Washington, at page No. 101.

In witness whereof I have hereunto set my hand at Tacoma, Wash., Dec. 29, A. D. 1892.

THOS. R. BROWN,
U. S. Marshal.

IN THE U. S. DISTRICT COURT AT SITKA, ALASKA.

No. 83.

UNITED STATES	} In admiralty. Writ of <i>venditioni</i> <i>exponas</i> of the date of Feb. 10, 1888.
vs.	
SCHOONER ADA, HER TACKLE, ETC.	

FOR UNLAWFUL FISHING IN THE WATERS OF ALASKA.

1888.

Sept. 7.	Transferred to U. S. Marshal T. J. Hamilton by Barton Atkins, U. S. Marshal of Alaska by order of the Department of Justice. Schooner at Port Townsend, W. T.	
Dec. 26.	Publishing notice of sale, \$15.00 for four, voucher	
1889.	1, P. T. Call, Flower and Willoughby.....	\$15. 00
March 26.	Sold schooner <i>Ada</i> , her tackle, etc., to J. C. Nixon, for \$1900; com. on sale.....	24. 00
" 28.	Towage and dockage and moorage paid, voucher	
" 28.	2, L. B. Hastings owner, Virginia.....	40. 00
" 28.	To coal oil and lantern globe, Nov., Jan., and Mar., voucher 3, J. S. Latimer & Co.....	9. 00
April 6.	Amount turned into court Sitka, Ala.....	1, 812. 00
		<hr/>
Total proceeds of sale.....		1, 900. 00
April 6.	Sent Barton Atkins, U. S. M. Sitka, Alaska, $\frac{1}{4}$ com. on sale.....	6. 00

UNITED STATES OF AMERICA. } ss:
District of Washington.

I, Thos. R. Brown, United States marshal for the district of Washington, do hereby certify that the foregoing is a true and correct transcript of the record in the above-entitled case as the same appears in my office in the docket of T. J. Hamilton, United States marshal for the Territory of Washington, at page 102.

In witness whereof I have hereunto set my hand at Tacoma, Wash., Dec. 29, A. D. 1892.

THOS. R. BROWN,
U. S. Marshal.

TABLES OF ANNUAL KILLINGS, PRIBILOF ISLANDS, 1871-1889.

Table Showing the Total Number of Fur-Seals Killed on the Island of St. Paul, for all Purposes, from 1870 to 1889, both inclusive.

[Compiled from tables on file in the Treasury Department.]

Year.	Seals killed for natives' food.				Seals killed for skins for lessees.			Totals of bachelors killed, accepted, and rejected.			Grand total of seals killed for all purposes.
	Pups.	Bachelors.	Skins accepted.	Skins rejected.	Bachelors.	Skins accepted.	Skins rejected.	Bachelors.	Skins accepted.	Skins rejected.	
1870....	2,800	6,449	.....	6,449	6,065	6,017	48	12,514	6,017	6,497	15,314
1871....	3,877	2,341	2,290	51	75,585	74,628	957	77,926	76,918	1,008	81,803
1872....	5,121	6,916	5,365	1,551	69,782	69,576	206	76,698	74,941	1,757	81,819
1873....	5,489	2,090	1,198	892	74,408	73,884	524	76,498	75,082	1,416	81,987
1874....	4,897	4,874	4,225	649	88,368	88,258	110	93,242	92,483	759	98,139
1875....	3,745	6,282	5,784	498	84,933	84,860	73	91,215	90,644	571	94,960
1876....	3,958	5,061	3,064	1,997	74,138	74,137	1	79,199	77,201	1,998	83,157
1877....	5,007	4,041	2,853	1,188	58,762	58,732	30	62,803	61,585	1,213	67,810
1878....	5,206	4,718	3,632	1,086	78,595	78,570	25	83,313	82,202	1,111	88,519
1879....	5,071	5,970	3,898	2,072	77,280	77,280	.....	83,250	81,178	2,072	88,321
1880....	4,413	4,466	3,048	1,418	75,900	75,872	28	80,366	78,920	1,446	84,779
1881....	.....	7,527	6,057	1,470	76,236	76,169	67	83,763	82,226	1,537	83,774
1882....	.....	5,175	3,362	1,813	74,659	74,581	78	79,834	77,943	1,891	79,834
1883....	2,982	3,168	2,194	974	57,145	57,070	75	60,313	59,264	1,049	63,295
1884....	2,741	3,907	2,582	1,325	82,213	82,086	127	86,120	84,668	1,452	88,861
1885....	2,788	3,184	2,508	676	82,908	82,866	42	86,092	85,374	718	88,880
1886....	2,824	3,081	2,480	601	82,180	82,150	30	85,261	84,630	631	88,085
1887....	2,177	4,207	3,975	232	82,708	82,679	29	86,915	86,654	261	89,092
1888....	2,178	3,762	3,700	62	80,330	80,314	16	84,092	84,014	78	86,270
1889....	2,280	3,400	2,570	830	81,712	81,698	14	85,112	84,268	844	87,392
Totals..	67,554	90,619	64,785	25,834	1,463,907	1,461,427	2,480	1,554,526	1,526,212	28,314	1,622,091

NOTE.—The above table includes all seals killed from all causes, either intentional or accidental, incident to the taking of sealskins on the island of St. Paul.

CERTIFICATE OF AUTHENTICATION.

UNITED STATES OF AMERICA.

TREASURY DEPARTMENT,
January 5, 1893.

Pursuant to Section 882 of the Revised Statutes, I hereby certify that all the items appearing in the annexed paper are true copies from official tables on file in this Department.

In witness whereof I have hereunto set my hand, and caused the seal of the Treasury Department to be affixed, on the day and year first above written.

[SEAL.]

CHARLES FOSTER,
Secretary of the Treasury.

Table Showing the Total Number of Fur-Seals Killed on the Island of St. George, for all Purposes, from 1870 to 1889, both inclusive.

[Compiled from tables on file in the Treasury Department.]

Year.	Seals killed for natives' food.				Seals killed for skins for lessees.			Totals of bachelors killed, accepted, and rejected.			Grand totals of seals killed for all purposes.
	Pups.	Bach-elors.	Skins ac-cepted.	Skins re-jected.	Bach-elors.	Skins accepted.	Skins re-jected.	Bach-elors.	Skins accepted.	Skins re-jected.	
1870....	1,200	.....	.....	.....	7,259	7,259	.....	7,259	7,259	.....	8,459
1871....	2,090	237	237	.....	18,830	18,830	.....	19,067	19,067	.....	21,157
1872....	2,000	.....	.....	.....	25,000	25,000	.....	25,000	25,000	.....	27,000
1873....	2,190	.....	.....	.....	25,000	25,000	.....	25,000	25,000	.....	27,190
1874....	2,446	.....	.....	.....	10,000	10,000	.....	10,000	10,000	.....	12,446
1875....	1,500	.....	.....	.....	10,000	10,000	.....	10,000	10,000	.....	11,500
1876....	1,500	.....	.....	.....	10,000	10,000	.....	10,000	10,000	.....	11,500
1877....	1,500	256	256	.....	14,744	14,744	.....	15,000	15,000	.....	16,500
1878....	1,500	1,532	1,216	316	17,772	17,772	.....	19,304	18,988	316	20,804
1879....	1,506	843	564	279	19,841	19,758	83	20,684	20,322	362	22,190
1880....	1,330	702	565	137	18,907	18,830	77	19,609	19,395	214	20,939
1881....	1,031	812	509	303	19,446	19,360	86	20,258	19,869	389	21,289
1882....	.....	483	371	112	19,495	19,440	55	19,978	19,811	167	19,978
1883....	1,000	475	468	7	14,739	14,675	64	15,214	15,143	71	16,214
1884....	1,500	345	223	122	14,728	14,620	108	15,073	14,843	230	16,573
1885....	1,080	319	304	15	14,745	14,686	59	15,064	14,990	74	16,144
1886....	1,286	544	413	131	14,606	14,578	28	15,150	14,991	159	16,436
1887....	1,356	585	471	114	14,727	14,725	2	15,312	15,196	116	16,668
1888....	978	1,409	1,321	88	14,647	14,582	65	16,056	15,903	153	17,034
1889....	1,071	512	280	232	13,642	13,641	1	14,154	13,921	233	15,225
Totals	28,064	9,054	7,198	1,856	318,128	317,500	628	327,182	324,698	2,484	355,246

NOTE.—The above table includes all seals killed from all causes, either intentional or accidental, incident to the taking of sealskins on the island of St. George.

CERTIFICATE OF AUTHENTICATION.

UNITED STATES OF AMERICA.

TREASURY DEPARTMENT,
January 5, 1893.

Pursuant to section 882 of the Revised Statutes, I hereby certify that all the items appearing in the annexed papers are true copies from official tables on file in this Department.

In witness whereof I have hereunto set my hand and caused the seal of the Treasury Department to be affixed on the day and year first above written.

[SEAL.]

CHARLES FOSTER,
Secretary of the Treasury.

Consolidated Table Showing the Total Number of Fur-seals Killed on the Islands of St. Paul and St. George for all Purposes from 1870 to 1889, both inclusive.

[Compiled from the two foregoing tables.]

Year.	Number.	Year.	Number.
1870.....	23,773	1881.....	105,063
1871.....	102,960	1882.....	99,812
1872.....	108,819	1883.....	79,509
1873.....	109,177	1884.....	105,434
1874.....	110,585	1885.....	105,024
1875.....	106,460	1886.....	104,521
1876.....	94,657	1887.....	105,760
1877.....	84,310	1888.....	103,304
1878.....	109,323	1889.....	102,617
1879.....	110,511	Total in 20 years.....	1,977,337
1880.....	105,718		

Average annual killing from 1870 to 1889, both inclusive, 20 years, 98,867.

Average annual killing from 1871 to 1889, both inclusive, 19 years, 104,070.

Table Showing Annual Killings at Northeast Point, St. Paul Island, 1871-1889.

[This table, compiled from the tables of killing found in the Appendix to the Case of the United States, Vol. II, p. 117, et seq., shows the number of fur-seals killed annually at Northeast Point Rookery; the number annually killed on St. Paul Island, and the percentages of the former to the latter.]

Year.	Seals killed at North-east Point.	Seals killed on St. Paul Island.	Percentage of Northeast Point quota to total.
1871.....	18,621	77,620	23.9
1872.....	25,147	75,352	33.3
1873.....	26,369	75,437	34.9
1874.....	34,526	92,221	37.5
1875.....	35,113	90,036	39.0
1876.....	26,014	77,900	33.3
1877.....	20,266	61,584	32.9
1878.....	23,011	82,152	28.0
1879.....	29,174	81,004	36.0
1880.....	25,862	78,923	32.7
1881.....	17,952	82,386	21.7
1882.....	23,303	77,798	29.9
1883.....	13,376	59,258	22.5
1884.....	23,099	84,733	27.2
1885.....	19,818	85,395	24.3
1886.....	26,924	84,890	31.7
1887.....	28,565	85,996	33.2
1888.....	33,383	84,116	39.7
1889.....	28,794	84,937	33.9
Total in 19 years.....	497,317	1,521,738	31.4

SUBJECT-INDEX OF COUNTER CASE.

	Page.
Acts committed on high seas, not always justifiable.....	35
Admission as to decrease after 1880.....	66
Affection of cows for pups	53
Agents of Government as employés of lessees	120
Alabama claims, decision of Tribunal of Arbitration on.....	133
Alaskan fur-seals. (<i>See Fur-seals</i>)	
" seal herd:	
Decrease of (<i>See Decrease</i>)	
Intermingling with Russian herd.....	48
One home of	110
Alfred Adams:	
American ownership of.....	130
Name of, changed to <i>Lily</i>	132
Alternative regulations proposed in Report.....	128
American ownership of sealing vessels seized	130
Anna Beck, American ownership of	130
Apology for pelagic sealing. (<i>See Pelagic sealing</i>).	
Aquatic coition:	
Bryant's opinion as to.....	62
Dall's opinion as to.....	62
Evidence in favor of	61
Frequency of, affirmed by British Commissioners	61
Inconsistent with statements in the Report.....	63
Insufficiency of evidence in Report favoring	63
Necessitates later arrival of cows each year.....	64
No instance of, seen by British Commissioners.....	62
Possibility of, affirmed by British Commissioners.....	60
Arbitration. (<i>See Treaty of Arbitration.</i>)	
Argument	2
Arrival of cows. (<i>See Cows.</i>)	
Article. (<i>See Treaty of Arbitration.</i>)	
Arduill, Mounted Constable	56
Asiatic rookeries, new. (<i>See Change of rookeries.</i>)	
Authorities in the Report:	
Charles Bryant	53
Henry W. Elliott.....	53
Average catch per boat:	
In 1886	107
Spring catch, 1886-1891	108
(<i>See Table.</i>)	
Average catch per man in 1885 and 1886	107
Barren female seals. (<i>See Cows.</i>)	
Beachmasters. (<i>See Bulls.</i>)	

	Page.
Bechtel, A. J., a citizen of United States	132
Bering Sea:	
Alleged to be summer habitat of fur-seals	100
Bancroft's views as to protection of, from whalers	25
Captain Hooper's investigations in, in 1892.....	83
Catch in, not included in proposed close season.....	127
Control exercised over	18, 19, 26, 29, 30
Cruisers in, in 1892	51
Distinction between, and Pacific Ocean.....	17
Distribution of fur-seals in	48
Independent seal herds in, alleged.....	109
Intermingling of Russian and Alaskan seal herds in.....	48
Jurisdiction over. (<i>See, also</i> Control exercised over.).....	7
No Territorial rights claimed over	19
Not included in term Pacific Ocean.....	20
Pelagic catch in. (<i>See</i> Pelagic sealing).	
" sealing in, compared with that in North Pacific.....	84
Percentage of cows taken in.....	85
Prohibition of sealing in, by United States	129
Right to fish in, does not include right to take seals in	25
Russian cruisers in.....	27-30
Russia's title to shores of, undisputed.....	17
Time of entrance of, proposed to be limited	127
Visits of whalers to	24, 26-28
" " not inconsistent with position of United States.....	28
Warning of vessels out of	129
Whalers visiting, closely watched.....	26
Bering Sea Commission	43
Organization of.....	44
(<i>See</i> British Commissioners.)	
Birth rate, effect of pelagic sealing on	66
<i>Black Diamond</i> , American ownership of	130
Boscowitz, Joseph:	
A citizen of United States.....	131
Ownership of, in vessels seized	131
Relations of Warren, Cooper, and	131
British case:	
As originally presented.....	2
Chapter I of	16
Chapter IV of.....	23
Consists now of original Case and Report	2, 3
Deals, With what matter.....	7
Diplomatic correspondence resulting from, as originally presented.....	2
Fails to distinguish between Bering Sea and Pacific Ocean.....	17
Incompleteness of.....	2
Misconceives character of control claimed over Bering Sea.....	18
Reply of United States to.....	7
Supplement thereto.....	2
British claims for damages, reply of United States to.....	129
British Commissioners	43
Concede nothing by proposed time to enter Bering Sea	127
Curtailment of Elliott's statement as to size of harems by	74
Did not first see dead pups on the rookeries	87
" visit alleged new Asiatic rookeries.....	110

British Commissioners—Continued.		Page.
Disqualified for impartial investigation		46
Distortion of statement of Elliott by		115
Erroneous statement as to opinion of cause of dead pups		87
Ignore seals lost by wounding		98
Instructed to coöperate with American Commissioners		44
Manner of conducting investigations		45
Object of, in advancing winter habitat theory		101
Report of. (<i>See</i> Report of British Commissioners.)		
Secretary Blaine's note concerning		45
Unfairness of, as to average catch per boat and per man		107
" in close season proposed		127
" in discussing quota		72
" regulations proposed by		122
Bryant, Charles:		
As an authority in the Report		53
Error in published statement of, used in Report		111
On aquatic coition		62
" excessive killing		69
" when cows enter water		58
Report of, in 1875, and reasons for		69
Bullets found in seals killed on the Islands		98
Bulls:		
Do not resort to alleged winter habitat		101
Range of, in winter		101
Bundles of sealskins:		
Containing more than two skins would be observed		117
Counting of		116
Investigated by Maj. Williams		117
Two skins only in each of		117
Weight of		118
" explained		118
Canadian sealers. (<i>See</i> Pelagic sealers.)		
<i>Carolena</i> , American ownership of		130
Case of the:		
<i>Harriet</i>		38
<i>Loriot</i>		22
<i>Pearl</i>		20
Case of the United States:		
Deals chiefly, the matter with which		7
Positions taken in, reasserted		135
Catch, average. (<i>See</i> Average catch)		
Catch of sealing vessels. (<i>See</i> Pelagic sealing.)		
Change of habits:		
Alleged in report		106
Change of rookeries. (<i>See</i> Change of rookeries.)		
Increased pelagic nature alleged		106
" " an assumption		109
" " partly based on error		111
Independent herds in Bering Sea unproven		109
Change of rookeries:		
Based on hearsay		109
Disproved		111
On Asiatic coast not visited by British Commissioners		110
" unproven		110
Robben Island experience disproves		111

	Page.
Charges of fraud. (<i>See</i> Frauds alleged.)	
Charts:	
Chart No. II of Report.....	102
" III of Report.....	102
" IV of Report.....	102
In Report of British Commissioners. (<i>See</i> Report of British Commissioners.)	
New migration chart.....	105
Of cruises in 1892.....	51
Sealing chart, 1891.....	52
" 1892.....	51
Claims for damages—	
Excessive	134
Reply of United States to British	129
Close season—	
Basis for, proposed, based on alleged errors in management	126
Extended a week to equal 10,000 decrease in quota	127
Proposed, does not include Sand Point and Bering Sea catches	127
Proposed in Report for pelagic sealing.....	126
Proposed, would have little effect.....	126
Close time. (<i>See</i> Close season.)	
Coast catch. (<i>See</i> Pelagic sealing.)	
(<i>See</i> Spring catch.)	
Coition. (<i>See</i> Aquatic coition.)	
Colonial system:	
Russia's	15, 21, 23
Ukase of 1821, a renewed declaration of	18
Commander Islands, Sealing vessels around, in 1892.....	29
Commissioners of Great Britain. (<i>See</i> British Commissioners.)	
"Compensatory adjustments" suggested in Report.....	127
Conclusion of Counter Case.....	135
Cooper, Thomas H.:	
Not injured by seizures.....	131
Relations of Bocowitz, Warren and	131
Copulation. (<i>See</i> Aquatic coition.)	
Correspondence. (<i>See</i> Diplomatic correspondence.)	
Counter Case:	
Conclusion of	135
Object of	1
Counting of skins:	
At London	117
" Pribilof Islands.....	115
" San Francisco.....	116
Difference in, at islands and at London	119
Manner of	115
Statement of Elliott as to, distorted by Report	115
Various, compared	118
Cows:	
Affection of, for pups	53
Arrival of, in 1891.....	64
" 1892.....	64
Barren, in Bering Sea catch basis for close season.....	126
" 250,000, alleged in 1890	75
Enter water, When.....	57
" Bryant's statements as to when	58

Cows—Continued.

	Page.
Enter water, Report's testimony on when, insufficient.....	59
“ “ within fourteen or seventeen days after birth of pup.....	60
Fecundation of, alleged to take place in water.....	60
Feeding of.....	57
“ position taken by Report on.....	57
“ Townsend on.....	59
“ while suckling denied by British Minister at Tokio.....	57
Later arrival of, at islands disproved.....	64
Nursing, examined by C. H. Townsend.....	86
“ few taken by pelagic sealers, implied by Report.....	85
“ of pups by. (<i>See</i> Nursing of pups.).....	
“ taken in Bering Sea by Capt. Hooper.....	85
Percentage in pelagic catch.....	80
Period of gestation of, nearly twelve months.....	85
Pregnant, assumed not to be taken in Bering Sea by Report.....	84
“ at all times when in the water.....	85

Cruisers, Russian:

Directed to patrol colonial seas.....	26-28
In Bering Sea.....	27-30

Dall, W. H., Opinion of, as to aquatic coition.....	62
---	----

Damages:

American ownership of vessels for which, are claimed.....	130
Article VIII of Treaty as to, interpreted.....	134
British Claims for, replied to.....	129
Claims for, excessive.....	134
“ in name of Cooper.....	131
No, can be awarded for prospective profits.....	133
Speculative, decision of Geneva Arbitration.....	133
“ Great Britain estopped from claiming.....	133
Sustained by warning out of Bering Sea not admitted.....	129

Data:

For charts in Report of British Commissioners.....	49
Insufficient to establish winter habitat theory.....	102

Dead pups:

All, were emaciated.....	91
Cause of, not novel when told British Commissioners.....	87
“ decrease of, in 1892.....	93
Caused by killing mothers denied by Report.....	89
Causes advanced by Report.....	89
Death of, not caused by an epidemic disease.....	89
“ “ driving and killing mothers.....	89
“ “ raids.....	90
“ “ stampedes.....	90

Increase on Russian islands coincident with increased sealing in Asiatic waters.....	93
--	----

Not first observed by British Commissioners.....	87
--	----

Number of, in 1892 much less than in 1891.....	91
--	----

Observed prior to 1891.....	87
-----------------------------	----

On Polovnia Rookery in 1892.....	92
----------------------------------	----

On the rookeries.....	86
-----------------------	----

Presence and cause noted in diplomatic correspondence in 1890.....	88
--	----

Prima facie cause of.....	86
---------------------------	----

Decrease:

Admission as to period after, decided.....	66
--	----

Decrease—Continued.	Page.
Alleged recognition of, by resort to new areas	78
“ to be caused by management.....	65
“ to be greater on land than at sea.....	106
Comparison of harems, 1870 and 1890, irrelevant to show	73
Surplus of virile males, notwithstanding].....	74
Evidence advanced to show, prior to 1880.....	73
No resort to reserved areas in 1879 showing.....	79
Noted in young males in 1889.....	66
Of 1892 over 1891.....	67
Pelagic sealing admitted as to tending toward	66
Prior to 1880 denied.....	79
“ proof advanced to show.....	71
Recognition of, by lessees alleged	76
Under Russian management caused by indiscriminate killing	72
Difference of views as to object of Treaty	7
Diplomatic correspondence:	
Concerning the British Case	2
Shows that United States always claimed property interest in seals.....	8
Distribution of fur-seals in North Pacific.....	104
<i>Dolphin</i> , American ownership of.....	130
Elliott, Henry W.:	
Alleged report of, in 1890	75
As an authority in the Report.	53
On size of harems in 1874.....	74
Statement of, as to counting skins distorted by Report	115
Employés of lessees as Government agents.....	120
Erroneous translations.....	13
Evermann, Prof. B. W.:	
On size of harems in 1892.....	75
Statement as to dead pups in 1892.....	92
Evidence, untrustworthiness of, in Report.....	82
Excessive killing:	
Bryant on, in 1875	69
Foundation of charge of	69
(See Management.)	
Exclusive jurisdiction. (See Jurisdiction.)	
Fecundation. (See Aquatic coition.)	
Feeding excursions. (See Cows.)	
Feeding. (See Cows.)	
Feeding grounds during migration	105
Female seals. (See Cows.)	
Firearms. (See Rifle and Shotgun.)	
Frank, A., a citizen of United States.....	132
Fraudulent practices. (See Frauds.)	
Frauds—	
As alleged in the Report	114
Belief that Great Britain inadvertently adopted charges of	113
Charged in Report.....	112
Charges of, unwarranted.....	120
In counting Pribilof sealskins. (See Counting of skins.)	
In management mentioned	68
In weight of bundles implied. (See Bundles of sealskins.)	
Investigation of Moore in 1875 as to.....	119
No authority for report charging	115

Frauds—Continued.	Page.
Parties charged with, in the Report	112
Reflection on C. M. Lampson & Company as to	113
Why United States considers charges of	113
Fur-seals:	
Abundance of, alleged for 1869, but founded on error.	112
Australian, habits of, in nursing	56
Breeding male, (<i>See</i> Bulls.)	
Charts in Report showing distribution of, in Bering Sea	49
Decrease of Alaskan, (<i>See</i> Decrease.)	
Distribution of, assumed by Report inaccurate	52
" in Bering Sea	48
" in Pacific Ocean	104
Female, (<i>See</i> Cows.)	
Habits of, (<i>See</i> Habits.)	
Home of, (<i>See</i> Winter-habitat theory.)	
Intermingling of Commander and Robben, assumed in Report	52
Migration of, (<i>See</i> Migration.)	
Must resort to land for a time during hair shedding	107
Number of, to be taken, suggested by Report	125
Only portion of, resort to alleged winter habitat	102
Pelagic nature of. (<i>See</i> Change of habits.)	
Property interest in	121
" " of Indians in, advanced by Report	101
Right to protect, does not involve exclusive jurisdiction over Bering Sea.	7
"Stagey." (<i>See</i> "Stagey" seals.)	
Waste of life among, from pelagic sealing	94
Geneva Arbitration. (<i>See</i> Tribunal of Arbitration on Alabama Claims.)	
Gestation, period of	63
Government agents as employes of the lessees	120
Gravid cows. (<i>See</i> Cows.)	
Great Britain and frauds alleged	113
Grebnitzki, N. A.:	
As an authority in the Report (footnote)	52
Examination of pelagic catches by	83
Grace, American ownership of the	130
Guns. (<i>See</i> Rifle and Shotgun.)	
Habitat. (<i>See</i> Winter habitat.)	
Habits	48
Aquatic coition	60
Arrival of cows on the rookeries in 1891	64
Change of, alleged	106
Change of. (<i>See</i> Change of habits.)	
Harems, size of	73
Of Australian fur-seals given by Sir F. McCoy	56
Winter habitat theory. (<i>See</i> Winter habitat theory.)	
Harems, size of	73
In 1874, according to Elliott	74
In 1891	74
In 1892	75
Harriet. (<i>See</i> Case of the.)	
Hauling grounds, no, ever reserved	79
Home of Alaskan seal herd. (<i>See</i> Winter habitat)	110
Hooper, Capt. C. L.:	
Investigations of, in 1892	83
" as to migration of seals	104

	Page
Hunters. (<i>See</i> Pelagic sealing.)	
Inconsistencies in Report.....	63
Indian hunters. (<i>See</i> Pelagic sealing.)	
Indian tribes, property interests of, in seals, advanced by Report.....	101
Independent pelagic seal herds.....	109
Intermingling of seal herds in Bering Sea.....	48
Interchange of seals between Pribilof and Commander Islands.....	48
International coöperation:	
Apparently assented to by Lord Salisbury.....	9
Invited by Mr. Bayard.....	9, 10
United States sought.....	13
International law, growth of.....	35
Inspector's count. (<i>See</i> Counting of skins.)	
Investigations by British Commissioners.....	45
Improvements in methods:	
At sea suggested.....	123
Increased licenses for steam vessels of no avail.....	124
Licenses for hunters proposed.....	123
On Pribilof Islands suggested in Report.....	122
Prohibiting use of rifle.....	123
Island count. (<i>See</i> Counting of skins.)	
Issues:	
The true.....	7, 33
Statement of, by Mr. Blaine.....	10, 11
United States' views of.....	12, 33
Jackson, C. H.:	
A questionable authority.....	55
On promiscuous nursing of pups.....	55
Joint Commission. (<i>See</i> Bering Sea Commission.)	
Jurisdiction:	
Distinction between exclusive, and right to protect seals.....	7, 19
(<i>See also</i> Bering Sea, control exercised over.)	
Over Bering Sea.....	7
" seals can be protected without.....	10, 19
Of Tribunal of Arbitration as to regulations.....	121
Jurisdictional controversy:	
Always incidental to other issues.....	8
Final observations upon.....	30
Not the true issue.....	33
Origin of.....	8
When entered upon by United States.....	13
Killing:	
Methods of. (<i>See</i> Management.)	
Excessive, alleged.....	65
" (<i>See also</i> Management.)	
Indiscriminate, prior to 1847 cause of early decrease.....	72
Lampson & Co. (<i>See</i> Frauds.)	
Lessees of Pribilof Islands:	
Alleged recognition of decrease by.....	76
Licenses apply to only half number of hunters.....	123
For hunters.....	123
" steam vessels proposed.....	124
Liability. (<i>See</i> Damages.)	

	Page.
<i>Lily:</i>	
American ownership of	130
Formerly <i>Alfred Adams</i>	132
Logs of American and British cruisers. (<i>See Sealing logs.</i>)	
London count. (<i>See Counting of skins.</i>)	
<i>Loriot.</i> (<i>See Case of the.</i>)	
Lukannon Rookery. (<i>See Rookery.</i>)	
McCoy, Sir F.:	
Authority of, for statements on habits of fur-seals	56
Knowledge of, as to promiscuous nursing of pups, insufficient	55
On affection of cows for pups	53
“ promiscuous nursing of pups	55
Maladministration. (<i>See Frauds alleged.</i>)	
Male seals, surplus of	74
Malowanski, John, examination of pelagic catches by	83
Management:	
Alleged errors in, basis for close season	126
“ “ Report's apology for pelagic sealing	126
As an alleged cause of decrease in seal herd	65
Discussion of, after 1880, irrelevant	68
Evidence used to charge, with decrease	71
Excessive killing under, alleged	65
Failure in, to note decrease caused by pelagic sealing irrelevant	67
Failure of Report to show change of, after 1880	68
Frauds in. (<i>See Frauds.</i>)	
Methods employed admitted to be almost perfect	65
Proof must be limited to period prior to 1880	65
Russian, discussed	71
Size of quota irrelevant unless decrease shown	71
Management of the Pribilof Islands. (<i>See Management.</i>)	
Maps. (<i>See Charts.</i>)	
Methods. (<i>See Management.</i>)	
Migration:	
Captain Hooper's investigations of 1892, as to	104
Direction seals travel during	104
Distribution of seals during	104
Feeding grounds during	105
Increased knowledge of sealers as to route of	108
New chart of	105
Where seals appear off coast during	104
Mismanagement. (<i>See Frauds.</i>)	
<i>Modus Vivendi</i> of 1891, signing of	44
“Monograph of North American Pinnipeds,” error in, used in Report	111
Moore, J. S.:	
Investigation of, in 1875	119
Report of, on question of frauds	119
Mortality among pups. (<i>See Dead pups.</i>)	
North Pacific:	
Distribution of seals in	104
Pelagic catch in. (<i>See Pelagic sealing.</i>)	
Pelagic sealing in, compared with that in Bering Sea	84
Northwest catch. (<i>See Pelagic sealing.</i>)	
Northwest Coast:	
Rookeries on. (<i>See Rookeries.</i>)	
Ten years' trading privileges on	22
Visited by vessels of all nations	17

	Page.
Number of seals killed on the Pribilof Islands. (<i>See Quota.</i>)	
" to be taken, restriction as to, proposed in Report.....	125
Nursing cows. (<i>See Cows.</i>)	
Nursing of pups:	
Analogy with other animals opposed to promiscuous, admitted.....	54
Authorities relied upon in Report to prove promiscuous	54
Bryant on the.....	53
Elliott on the.....	53
Promiscuous, alleged in Report.....	53
" denied	53
" not proven	56
" Sir F. McCoy on.....	55
" stated by C. H. Jackson.....	55
Open-sea sealing. (<i>See Pelagic sealing.</i>)	
Open season. (<i>See Close season.</i>)	
Origin of jurisdictional controversy.....	8
Overdriving subsequent to 1880 irrelevant.....	79
Ownership of seized vessels. (<i>See Vessels seized.</i>)	
Packing count. (<i>See Counting of skins.</i>)	
Pacific. (<i>See North Pacific.</i>)	
Partiality of British Commissioners. (<i>See British Commissioners.</i>)	
<i>Pathfinder</i> , American ownership of.....	130
<i>Pearl</i> . (<i>See Case of the.</i>)	
Pelagic catch. (<i>See Pelagic sealing.</i>)	
" coition. (<i>See Aquatic coition.</i>)	
" hunters. (<i>See Pelagic sealing.</i>)	
" nature. (<i>See Change of Habits.</i>)	
" seal herds.....	109
Pelagic sealing.....	80
Admitted to tend towards decrease	66
Alleged number of seals lost by Indians.....	95
" " by white hunters	95
Apology for, in the Report	80
" in the Report based on alleged faults in management.....	126
" in Report insufficient.....	99
Begins below alleged winter habitat.....	103
Catch in Bering Sea three times as much as in North Pacific.....	94
" supposed to equal 10,000 seals a week	128
Catch of, proposed to be four times quota.....	128
Catches in Bering Sea and North Pacific compared.....	93
Close time for. (<i>See Close time.</i>)	
Effects of, on birth rate	66
General use of shotgun in	123
Improvements in, suggested. (<i>See Improvements in methods.</i>)	
In Asiatic water coincident with increase of dead pups on Russian islands.	93
In Bering Sea compared with that in North Pacific	84
Inconsistencies of statements by Indians and whites	96
Interested witnesses are those engaged in	81
Percentage of cows admitted to be taken	81
" in catches of vessels seized by Russia in 1892	83
" in catch.....	80
" taken by, prior to 1870.....	84
" taken in, according to Indians	80
" " Bering Sea by.....	83, 85
" " Statements about, inconsistent with Report.	81

	Page.
Pelagic sealing—Continued.	
Prohibition of, in Bering Sea by United States.....	129
Seals lost by wounding in.....	98
“ “ not considered in Report.....	97
“Stagey” seals taken in.....	107
Steam vessels used in.....	124
Tabulated statement of white hunters as to number lost.....	96
Untrustworthiness of witnesses as to.....	82
Use of rifle in, obsolete.....	123
Waste of life by.....	94
“ “ insignificant in, evidence advanced by Report.....	95
White hunters appear to lose 40 per cent of seals.....	96
“White hunters,” table.....	97
Pregnancy, period of.....	63
Pregnant cows. (<i>See Cows.</i>)	
Pribilof Islands:	
Improvement in methods on. (<i>See Improvement in methods.</i>)	
Inhabited by man for a century, and seals have remained.....	111
Lessees of. (<i>See Lessees of Pribilof Islands.</i>)	
Regulations as to quota on, proposed by.....	125
Profits, prospective. (<i>See Damages.</i>)	
Prohibition of sealing in Bering Sea by United States.....	129
Promiscuous nursing of pups. (<i>See Nursing of pups.</i>)	
Property in seals.....	121
Suggested by Mr. Bayard.....	9, 10
(<i>See Right of protection and of property in seals.</i>)	
Property interest of Indians in seal-herd alleged.....	101
Property right. (<i>See Right of protection and property in seals.</i>)	
Prospective profits. (<i>See Damages.</i>)	
Protection and property rights in seals. (<i>See Right of protection and of property.</i>)	
Protection of seals:	
Always the main question.....	8
By Russia in 1892.....	29
Independent of jurisdiction over Bering Sea.....	19
Justifiable independently of jurisdictional rights.....	10
Main object of arbitration.....	7
Protection, right of. (<i>See Right of protection and property in seals.</i>)	
Protective zone. (<i>See Regulations.</i>)	
Provisions of treaty. (<i>See Treaty of Arbitration.</i>)	
Pups:	
Affection of cows for.....	53
Dead. (<i>See Dead pups.</i>)	
Nursing of. (<i>See Nursing of pups.</i>)	
Questions submitted under Article VIII of Treaty of Arbitration.....	134
Quota:	
Bryant's reasons for advising reduction of, in 1875.....	69
Decrease of, by 10,000 equals extension of close season by one week.....	127
Limitation of, proposed in Report.....	125
Portion of, from Northeast Point.....	77
Proposed in Report to be one-fourth of pelagic catch.....	128
Reduction of, in 1889.....	67
Size of, from 1860 to 1865.....	73
“ irrelevant unless decrease shown.....	71
“ under Russian management unfairly stated.....	71
10,000 decrease of, equals 10 miles increase of zone.....	127

	Page.
Raids not a cause of death of pups.....	90
Redriving subsequent to 1880 irrelevant.....	79
Registry, British, sole purpose of conveyance of vessels to Cooper.....	131
Reproduction, act of. (<i>See</i> Aquatic coition.)	
Reply of United States to British Case.....	7
" " claims for damages.....	129
Reserved areas, alleged resort to.....	78
Rifle:	
Prohibition of, suggested in report.....	123
Use of, in sealing obsolete.....	123
Regulations:	
Alternative methods of, proposed by Report.....	128
" proposed inadmissible.....	128
As to methods of taking seals. (<i>See</i> Improvement in methods.)	
As to numbers to be taken, proposed.....	125
Close season. (<i>See</i> Close season.)	
"Compensatory adjustments," proposed in Report.....	127
For protective zone difficult to enforce.....	126
" proposed.....	125
Jurisdiction of Tribunal of Arbitration as to.....	121
Limitations as to quota on Pribilof Islands, proposed.....	125
Proposed, as to entrance of Bering Sea.....	127
" by British Commissioners.....	121
" for Pribilof Islands irrelevant.....	122
" show partisan spirit of British Commissioners.....	128
Specific scheme of, proposed.....	125
Ten-mile increase of zone for 10,000 reduction of quota.....	127
The only, sufficient.....	121
Unfairness of proposed.....	122
Report	
Alleged, of Elliott in 1890.....	75
Of Bryant in 1875, and reasons for.....	69
" Capt. Hooper.....	83
" Moore in 1875.....	119
Report of British Commissioners.....	43
Advances property interest of Indians in seal-herd.....	101
Alleges few cows in pelagic catch.....	80
" waste of life in pelagic sealing insignificant.....	94
Alternative regulations proposed.....	128
Apology for pelagic sealing in, insufficient.....	99
Apologizes for pelagic sealing.....	80
Assumes intermingling of Commander and Robben seals.....	52
Causes of dead pups suggested by.....	89
Chart No. II of, discussed.....	49
" III of, discussed.....	49
" IV of, discussed.....	49
Charts in, data for compilation of.....	49
" insufficiency of data for compilation of.....	50
" principal data for compilation of.....	50
" showing distribution of seals, inaccurate.....	52
Contents of.....	46
Dead pups on the rookeries considered in.....	86
Delivery of, to agent of United States.....	2
Error relied upon in, to show increased pelagic nature.....	111

Report of British Commissioners—Continued.	Page.
Fails to show change of management after 1880.....	68
Frauds alleged in. (<i>See</i> Frauds.).....	
Inconsistencies of.....	81
“ as to aquatic coition.....	63
Inconsistent statements of sealers in.....	96
Insufficiency of evidence in, to establish aquatic coition.....	63
Part of British Case.....	2, 3
Position of, on aquatic coition.....	60
Position taken by, as to feeding of cows.....	57
Regulations proposed in.....	121
Reply of United States to.....	41
Seals lost by wounding not considered in.....	97
State sealing in Bering Sea not as destructive as in North Pacific.....	84
Tabulated statements of white hunters in.....	96
Why delivered.....	2
Right of protection and property in seals.....	32-40
Assertion that it is new.....	32
British views of claims to.....	32
Claim of, not new.....	38
Claimed by Mr. Bayard.....	32
“ Mr. Blaine.....	30, 33, 36
“ Mr. Phelps.....	34
Dr. Dawson discusses.....	37
Facts relating to, fully discussed.....	37
History of claim of.....	32
Robben Island: Rookeries on, cleared of seals but not deserted.....	111
Rookery:	
Lukannon, harems on.....	75
Northeast Point, number of seals taken from.....	77
“ percentage of quota from.....	78
Polivina, not a reserved area.....	79
“ only 250 dead pups on, in 1892.....	92
Reef, alleged stampede on.....	90
Tolstoi, dead pups on.....	89
Zapadnie, not a reserved area.....	79
Rookeries:	
Change of. (<i>See</i> Change of Rookeries.).....	109
Dead pups on the.....	86
Formerly on Northwest coast unproven.....	109
Location of, dependent on isolation.....	109
New Asiatic. (<i>See</i> Change of rookeries.).....	
Robben Island.....	111
Russian Management. (<i>See</i> Management.).....	
Russian seal herd, intermingling of, with Alaskan herd.....	48
Russia's action in 1892.....	29
“ colonial system. (<i>See</i> Colonial system.).....	
“ title to shores of Bering Sea undisputed.....	17
San Francisco, count of skins at.....	116
Sand Point catch not included in proposed close season.....	127
Sayward, American ownership of.....	130
Schedule of claims for damages. (<i>See</i> Damages.).....	
Scheme of regulations proposed.....	125
Schooners. (<i>See</i> Vessels.).....	
Sea, Bering. (<i>See</i> Bering Sea.).....	

	Page.
Sea sealing. (<i>See</i> Pelagic sealing.)	
Seacatchie. (<i>See</i> Bulls.)	
Seal herds. (<i>See</i> Alaskan seal herd, Russian seal herd, Fur-seals.)	
Sealing. (<i>See</i> Pelagic sealing.)	
Sealing chart. (<i>See</i> Charts.)	
Sealing fleet. (<i>See</i> Victoria fleet.)	
Sealing, logs of—	
1891	49
“ Principal data for charts in Report	50
1892	51
Sealing vessels about Commander Islands in 1892	29
Seals. (<i>See</i> Fur-seals.)	
Seals lost. (<i>See</i> Pelagic sealing.)	
Seals lost by sinking	97
Sealskins—	
Bundling of. (<i>See</i> Bundles of sealskins.)	
Counting of. (<i>See</i> Counting of skins.)	
Packing of.	116
Secretary Blaine to Sir J. Panncefote	45
Seizures:	
Certain, of sealing vessels admitted	129
Cooper not injured by	131
Place of	129
Reason, were made	130
(<i>See</i> Vessels seized.)	
Shedding of hair. (<i>See</i> “Stagey” seals.)	
Shotgun, general use of, in pelagic sealing	123
Sinking, seals lost by	97
Spring catch, average catch per boat in	108
“Stagey” period	106
“Stagey” seals:	
Alleged, not found in water	106
Are taken at sea	107
Stampedes:	
No evidence of any	90
Not a cause of death of pups	90
Standard of weights:	
Average, since 1876	77
Fell below average in 1899 for first time	67
Reduced in 1889	77
Stanley-Brown, J., on when cows enter water	60
Steam-vessels, licenses proposed for	124
Suckling. (<i>See</i> Nursing.)	
Summer habitat. (<i>See</i> Winter habitat.)	
Surveillance. (<i>See</i> Bering Sea, control exercised over.)	
Surplus of virile male seals	74
Table—	
Of average catch per boat and per man presented by report	107
“ in spring catch	108
Of catch per boat and per man omits years 1885 and 1886	107
Table entitled “White Hunters”—	
Only gives seals lost by sinking	97
Sources of	97
Thornton, American ownership of	130

Townsend, C. H.—	Page.
Examination of seals by	86
Experience of, as to cows feeding.....	60
On seals lost by wounding	98
Translations—	
(See Erroneous translations.)	
Treaty of 1824 between the United States and Russia.....	19, 21, 22, 24
“ 1825 between Great Britain and Russia.....	19, 21
“ arbitration—	
British claims for damages under Article VIII of	129
Character of case called for by.....	2
Contemplates only case and counter case	3
Counter case under	1
Difference of views as to object of.....	7
How controversy resulting in the, arose.....	8
Main question involved is the protection of seals	7
Questions submitted under Article VIII of.....	134
Tribunal of arbitration—	
Jurisdiction of, as to regulations.....	121
Tribunal of arbitration on Alabama claims, decision of, as to speculative damages	133
Ukase of 1799—	
Directed against foreigners.....	15
Object of, to maintain colonial system.....	15
Ukase of 1821.....	16, 33
Construction of, by British government.....	19
First referred to by Lord Salisbury.....	8, 12
Protests against.....	19
Renewed declaration of colonial system	18
Unfairness of British Commissioners. (See British Commissioners.)	
Use of rifle in sealing obsolete.....	123
United States—	
Citizens of, interested in vessels seized. (See Boscowitz, Bechtel, and Frank.)	
Early claim of property in seals by	8
Imposition practiced upon.....	14
Reply of, to British case.....	7
Restatement of their case necessary	14
(See Issues.)	
(See Jurisdictional controversy.)	
(See Right of protection and property in seals.)	
Views of, as to true issues.....	35
Vessels seized:	
American ownership of.....	130
By Russia in 1892	30
Ownership of <i>Alfred Adams</i>	130
“ <i>Anna Beck</i>	130
“ <i>Black Diamond</i>	130
“ <i>Boscowitz</i> an American, in.....	131
“ <i>Carolina</i>	130
“ <i>Dolphin</i>	130
“ <i>Grace</i>	130
“ <i>Lily</i>	130
“ <i>Pathfinder</i>	130
“ <i>Sayward</i>	130
“ <i>Thornton</i>	130

Vessels:	Page.
Seizure of sealing. (<i>See Seizures.</i>)	
Vessels, steam, number of, in Victoria fleet.....	124
Victoria fleet, steam vessels in.....	124
W. P. Sayward. (<i>See Sayward.</i>)	
Warning of sealers out of Bering Sea.....	129
Warren, James Douglas, relations of Boscowitz, Cooper, and.....	131
Waste of life. (<i>See Pelagic sealing.</i>)	
Weapons (<i>See Rifle and Shotgun.</i>)	
Weight of bundles. (<i>See Bundles of sealskins.</i>)	
Weight of sealskins. (<i>See Standard of weights.</i>)	
Whalers:	
Closely watched by cruisers.....	126
Protection of Bering Sea against.....	24
Visits of, to Bering Sea.....	24, 26-28
" " not inconsistent with position of United States....	25
White hunters:	
Licenses proposed for.....	123
(<i>See Pelagic sealing.</i>)	
Table based on statements of.....	97
Wilson, Sir Samuel, on nursing of lambs.....	54
Williams, Maj. W. H., investigation of, as to number of skins in a bundle.....	117
Winter habitat:	
Advanced by the Report.....	100
Bulls do not resort to.....	101
Data insufficient to establish.....	102
Location of, alleged.....	100
Object of advancing, by the British Commissioners.....	101
Only resort to, by portion of seal herd.....	102
Sealing begins below.....	103
Seals followed through.....	104
Used to establish property interest of Indians in seal herd.....	101
Winter resort of bull-seals.....	101
Witnesses:	
Pelagic sealers, interested.....	81
Wounding:	
Seals lost by.....	98
Seals lost by, not considered by Report.....	97
Zapadne Rookery. (<i>See Rookeries.</i>)	
Zone, protective—	
Increase of, by 10 miles for 10,000 decrease of quota.....	127
Proposed by Report.....	125

SUBJECT INDEX OF APPENDIX.

	Page.
Abbey, Capt. C. A., deposition of, as to money taken from the <i>Carolena</i>	341
<i>Ada</i>:	
Seizure of the.....	423
Value of the	344
Affection between mother and pup	388
Age, killable.....	278
Agents of Alaska Commercial Company who were also Government agents ...	383
Alaska Commercial Company:	
Agents who were also Government agents	383
Never engaged in pelagic sealing.....	381, 382
Number of pup skins purchased by	381
Seal-skins sold for account of, by C. M. Lampson & Co	416
Alaskan fur-seal, winter resort of.....	361
seal herd and Russian do not mingle.....	363, 370, 375
Alaskan seal herd, Bryant's report on:	
(<i>See also</i> Seals, Alaskan fur.)	
Arrival of bulls.....	276
females.....	276
yearlings.....	278
Bachelors intermingling with females	278
Battles on rookeries.....	276
Birth of pups	277
Bull returns to same spot every year	276
Coition.....	277
Color of mature female.....	275
Color of mature male.....	275
Color of pup at birth.....	277
Color of yearling	275
Cows bear first pup, when	275
Cows feeding.....	278
Departure of bulls from islands	278
females from islands.....	278
pups from islands.....	278
Excrement on rookeries	277
Fasting of bulls on rookeries.....	277
Female, of full size, when	275
Harem life.....	277
Harems, formation of.....	277
Male allowed on breeding-grounds, when.....	276
full size of	275

Alaskan seal herd, Bryant's report on—Continued.

	Page.
Number of seals	279
breeding cows on St. Paul Island	279
bulls on St. Paul Island	279
cows on St. George Island	279
bulls on St. George Island	279
Nursing of pups	277
Passages on rookery	276
Pups learning to swim	278
Purpose in resorting to Pribilof Islands	275
Reproductive organs of male, developed when	276
Return of bull to same spot every year	276
Rookeries, location of	276
Size of mature female	275
mature male	275
Summer resort of	275
Weight of mature female	275
mature male	275
pup at birth	277
yearling	275
Why seals resort to the islands	279
Alaskan seal herd:	
Capt. Hooper on migration of	229-233
Indian hunters damage but little	392
Alexander, A. B. Statement of	242
Alfred Adams:	
Interest of A. Frank in the	352
Ownership of the	352
Allen, J. A. Concerning number of seals seen off coast of Washington in 1869.	413
Ammunition:	
Amount used in pelagic sealing	396
Cost of	262
Anna Beck:	
Seizure of the	422
Value of the	344
Amak Islands not breeding ground of seals	236
Annual killings, Pribilof Islands, 1871-'89	425-427
Appraisalment of sealing vessels	329-338
Aquatic birth, Swan on	391, 392
Arbitration. (<i>See</i> Treaty of arbitration, etc.)	
Ariel, Russian seizure of, in 1892	201-203
Arrival at Pribilof Islands:	
Of bachelors	378
Of bulls	276
Of cows	276
Of yearlings	278
Arrival of—	
Cows on Commander Islands	373
Seals on Commander Islands	363, 373
Asiatic pelagic catch, 96 per cent females	365
Bachelors intermingling with females	278
Baden-Powell, Sir George, speech of	418
Barnard, Moses S., deposition of	353
Barren cows. (<i>See</i> Cows.)	
Battles on rookeries	276
Bechtel, A. J., citizenship of	351

	Page
Behlow, Charles J., depositions of	353-358
Bering Sea:	
Russian documents relating to foreign whalers in	199-200
Sealing season in	345, 346
Birth of pups	277, 363
On Commander Islands	373
<i>Black Diamond</i> , interest of A. Frank in the	352
Boats, cost of	216, 247, 261, 348, 411
Boats of Victoria fleet, 1881-1892	258, 260
Boscowitz and Cooper <i>vs.</i> Warren, extract from notes made at trial of	301, 304
Boscowitz & Warren, relation of	301-320
Boscowitz <i>et al.</i> <i>vs.</i> Warren <i>et al.</i>	
Extracts from case on appeal	313-320
Extracts from evidence in case of	304-313
Boscowitz, Joseph:	
Citizenship of	255, 351
Testimony of, as to ownership of vessels seized	306-308, 313
Boscowitz <i>vs.</i> Warren <i>et al.</i> , extracts from evidence in case of	304-313
Breeding grounds	385
Disturbance of	276
In 1892 as compared with 1891	379
British Columbia, fur-seals off	390
British Commissioners:	
Arrival of, on islands	396
Examination of records of St. Paul Island by	379
Facilities extended to, for investigations	379, 397
Number of drives seen by	398
Report of. (<i>See</i> Report of British Commissioners.)	
Saw only one killing	398
Visit of, to Pribilof Islands	398
British subjects, claims against United States:	
Tables relating to	339, 340
Testimony relating to	341-352
Brown, James B., deposition of	358
Bryant, Charles:	
Concerning number of seals seen off coast of Washington in 1869	413
taken on Pribilof Islands in 1869 and 1870 ...	414
Official report of	275
Testimony of, before Congressional committee on increase of seals	280
Bulls:	
Arrival of, at islands	276
Departure of, from islands	278
Fasting of, on rookeries	277
Return to same spot every year	276
Seldom seen at Neah Bay	391
Southern limit of old	230
Idle, vigorous	379, 386
Time of passage of migrating	230
Virility of	390
Winter movements of half-grown	230
Winter resort of old	230
Bundles:	
Only two skins in	282, 359, 361, 381, 384, 399
Weight of	282, 373, 384, 399
Canoes of Victoria fleet, 1881-1892	258-262

Cape Flattery and vicinity:	Page.
Fur-seal industry of, Swan on	284
Fur-seals off	390
<i>Carmelite</i> , Russian seizure of the, in 1892	202
<i>Carolena</i> , no money taken from, when seized.....	341
Case of the—	
<i>Harriet</i>	184-191
<i>Loriot</i>	180-184
<i>Pearl</i>	175-180
Casks, packing of skins in	358
Catch, average, per schooner of Victoria fleet, 1881-1892	258-260
from Pribilof Islands, entered at San Francisco, 1872-1889.....	409
in Bering Sea, percentage of females in.....	370
Indian canoe coast	256
in 1892.....	346
of sealing vessels. (<i>See Pelagic catch.</i>)	
the <i>Czarina</i> , composition of.....	357
<i>Favorite</i> , composition of.....	354, 356
<i>Henrietta</i> , composition of	354, 369
<i>Ivanhoe</i> , composition of	358
<i>Kate</i> , composition of.....	354
<i>Kate and Ann</i> , composition of.....	358
<i>La Ninfa</i> , composition of.....	355
<i>Louis Olsen</i> , composition of	358
<i>Mary Brown</i> , composition of	353
<i>Mary H. Thomas</i> , composition of.....	358
<i>Rose Sparks</i> , composition of.....	356
<i>San Diego</i> , composition of.....	358
<i>Sophie Sutherland</i> , composition of	358
<i>Thistle</i> , composition of.....	355
<i>Winifred</i> , composition of.....	354
Victoria fleet, 1881-1892	258-260
Victoria fleet, divisions of	262
pelagic composition of, Martin & Sons on.....	417
96 per cent females	366
of 1892.....	407-408
tables concerning.....	411
Certificate of sale of seized schooners.....	421
Chartering of vessels, cost of.....	343-348
<i>C. H. White</i> , Russian seizure of the, in 1892.....	201-203
sworn statement of Capt. Furman concerning seizure of, by Russia in 1892	203-205
Citizenship of A. J. Bechtel	351
Joseph Boscowitz	351
A. Frank.....	351, 352
Claims against United States:	
A. Frank has none.....	352
Special proceedings instituted in regard to.....	320-326
Tables relating to.....	339, 340
Testimony relating to.....	341-352
Classification of seals by natives.....	229
Coast catch. (<i>See Catch</i> , etc.)	
Coast trading unprofitable for sealing schooners	246, 247
Codfish, distribution of, in Bering Sea	235

	Page.
Coition on land	277
pelagic	359, 373
impossible	364
Color of bull	275
cow	275
pup at birth	277
yearling	275
Commander Islands:	
Dead pups on	374
Decrease as seen on	375
Extension of killing time on	373
Time of arrival of seals on	373
Fur-seal. (<i>See</i> Russian seal herd.)	
Seal herd. (<i>See</i> Russian seal herd.)	
Skins handled carefully	376
Communications concerning erroneous translations Foster (Mr.) to Tupper (Mr.)	151-152
Composition of pelagic catch	417
Condition, relative, of breeding grounds, in 1891 and 1892	379
Control and domestication of seals	364
of seals possible only on land	365
Cooper, Thomas H., testimony of:	
As to ownership of vessels seized	321-325
In regard to certain claims against United States	321-325
Copulation. (<i>See</i> Coition.)	
Correspondence relating to affairs of Russian American Co. [amended translations]	154-175
(<i>See</i> Russian Documents for list.)	
Corwin:	
Cruise of, in 1892	393
Pelagic sealing investigations of	207-233, 395
Cost of ammunition	262
sealing boat and outfit	246, 247, 261, 348, 411
shotguns. (<i>See</i> Shotguns, cost of.)	
outfit of vessels. (<i>See</i> Outfit, cost of.)	
subsistence. (<i>See</i> Subsistence, cost of.)	
vessels. (<i>See</i> Vessels, cost of.)	
Coulson, Capt. Wash. C., report of	234-244
(<i>See also</i> Reports, official.)	
Counting of sealskins on the islands	282
Counts of skins. Comparative statement of, from 1870 to 1889	367
Cows, affection of, for pups	393, 398
arrival of, on Commander Islands	373
Pribilof Islands	276
barren	366, 370, 373, 377, 394
bear first pup, when	275
begin bearing, when	295
color of, when mature	275
departure of, from islands	278
feeding of	278, 370, 393
excursions of	370, 375, 387, 394
food of	394
full size of, when attained	275
harem life of	386
intermingling with bachelors	278

	Page.
Cows, movements of, about islands	267, 386
ninety per cent and over in pelagic catch are.....	374
not killed on Russian islands	365
nursing	394
destruction of, by pelagic sealing	375
protection of.....	397
select harem to which they belong	385
size of, when mature	275
weight of, when mature	275
Crews, white and Indian, of Victoria fleet, 1881-1892.....	258-260
Curing of sealskins, manner of	279
<i>Czarina</i> , composition of the catch of the	357
Dall, William H., deposition of.....	359
Dangers reported in North Pacific Ocean, extract from list of	288
Dead pups. (<i>See</i> Pups, dead.)	
Death of mother causes death of pups	366
Declaration of seizure of the <i>Mountain Chief</i>	419
Decrease, Evermann on	266, 268, 269, 270, 272, 273
in North Pacific and Bering Sea	346, 347
in waters around islands	370
of females by pelagic killing and raids.....	365
on Commander Islands.....	375
caused by pelagic sealing	375
on Pribilof Islands.....	385
Swan on.....	392
Departure from islands of seals:	
Cause of.....	364
Of bulls	278
Of females.....	278
Of pups	278
Deposition of—	
Abbey, C. A.....	341
Barnard, Moses S	353
Behlow, Charles J	353-358
Brown, James B	358
Dall, William Healy	359
Erskine, M. C	360
Ferguson, Walter H	361
Fowler, W. H. C	341
Grebnitzki, Nicholas A.....	362
Heilbronnor, Max.....	367-369
Hodgson, N	369
Hooper, C. L	369
James, N. T	342
Lorentzen, A. P	343
Lutjens, Charles	344
McIntyre, H. H	371
McLean, Alexander.....	345
McLean, Daniel.....	346
Magee, John A. jr.....	347
Malowansky, John.....	373-376
Martin, Walter E	376
Morgan, Thomas F.....	376
Murray, Joseph.....	378
Myer, Martin	380

Deposition of—Continued.

	Page.
Neumann, Rudolph	380
Niebaum, Gustave	381-383
Perkins, George C	349
Preiss, C. W	383
Sloss, Louis, jr.....	384
Smith, Harry S	349
Stanley Brown, Joseph.....	385
Swan, James G	390
Townsend, C. H	392
Turner, Matthew	350
Williams, Theo. T	351
Williams, William H.....	352, 396-400

Diplomatic correspondence relating to interpretation of treaty of arbitration.

List of notes:

Blaine (Mr.) to Foster (Mr.).....	150
Foster (Mr.) to Herbert (Mr.).....	139
Foster (Mr.) to Herbert (Mr.).....	147
Roseberry (Lord) to Herbert (Mr.)	144
Disorganization of the rookeries	378
Disturbance of breeding grounds.....	276
Division of sealskin catches by British Columbia sealers.....	262
Documents, Russian. (See also Russian documents.)	
facsimiles of	follow.. 429
withdrawal of.....	153

Dolphin:

Seizure of the	421
Value of the.....	344
Domestication and control of the seals	364
Drives, from Tolstoi in 1891, no.....	399
number of, seen by British Commissioners	398

Driving:

Care in	278
Extension of areas of	372
Males not injured by	390
Manner of	281
Mortality caused by	389
Not injurious to seals	366
Over putrid bodies.....	377
Effects of pelagic killing	366
Employés of Alaska Commercial Co. who were also Government agents	383
Equipment of vessels. (See Outfit of vessels.)	
Erskine, M. C., deposition of.....	360
Evermann, B. W., notes on rookeries, Pribilof Islands	264-273
Examination of catch of 1892 on vessels seized	374
Excrement on rookeries.....	277, 360, 377, 387, 393
Exhibits to Henry Report.....	249-254
Extension of driving areas.....	372
Extinction of herd threatened by pelagic killing.....	366
Fanning, Edmund, extract from letter of Benjamin Pendleton to.....	293
Fasting of bulls on rookeries.....	277
Fate of fur-seal in America, Palmer on.....	289
<i>Favorite.</i> Composition of catch of the.....	354, 356
Feeding. (See cows.)	
Females. (See also cows.)	

	Page.
Females diminished by pelagic killing and raids	365
96 per cent taken in Asiatic pelagic catch	365
pelagic catch	366
Percentage of, in Bering Sea, beyond narrow zone around islands	370
catch in Bering Sea	370
pelagic sealing (<i>see also</i> Pelagic Sealing)	248
Ferguson, Walter H. Deposition of	361
Firearms used by pelagic hunters. (<i>see also</i> Rifles and Shotguns)	261
Fish, distribution of cod in Bering Sea	235
Fisheries and fishery industries of United States. Extract from	284
Fleet and catch of 1892, sealing	407, 408
Food of cows	394
Seals, killed for	278
Fowler, W. H. C. Deposition of, as to insurance rates	341
Frank, A., citizenship of	351, 352
has no claim against United States	352
interest of, in the <i>Alfred Adams</i> and <i>Black Diamond</i>	352
Fraser, Alfred, statements of	415-417
A, concerning the number of skins in a bundle	415
B, concerning the number of skins sold by C. M. Lampson & Co., per ac- count Alaska Commercial Co	415
C, concerning the weight of skins	416
Furman, L. M., sworn statement of	203-205
Fur-seals, Alaskan, winter resort of	361
Bryant on	275
characteristics of, off Cape Flattery	390
fate of, in America, Palmer on	289
industry of Cape Flattery and vicinity, Swan on	284
not wild animals	364
number killed on Pribilof Islands annually, 1860-1866	93-199
on Pribilof Islands	279
polygamous	364
Scammon on	293
sleeping, principally taken by sealers	395
stampedes of. (<i>See</i> Stampedes.)	
Government agents who were also agents of Alaska Commercial Co	383
Grace ..	
Seizure of the	422
Value of the	344
Grebnitzki, Nicholas A., deposition of	362
Habitat, winter, of Alaskan herd	371
(<i>See</i> Resort.)	
Habits of Alaskan fur-seal. (<i>See</i> Alaskan seal herd; pups; bulls; cows; bachelors; migration.)	
irregularity in	378
Russian fur-seal	363, 364
not affected by methods of taking on Commander Islands	365
Handling of Commander Islands's skins	376
Harems:	
Formation of	277
Life of cows in	277, 386
Selection of, by cows	385
Size of	264, 265, 269, 377, 379, 385
Harriet, case of the	184-191

	Page.
Heilbronner, Max, depositions of	367, 369
<i>Henrietta</i> , composition of catches of the	354, 369
Henry, special agent, Report of (<i>see</i> Reports, official)	245-254
Hodgson, N., deposition of	369
Home of the Russian fur-seal	363
Hooper, Capt. C. L.:	
Deposition of	369
Orders to	207
Reports of (<i>see</i> Reports, official)	207-233
Hunters, Indians (<i>see also</i> Pelagic sealers)	255, 346, 347, 348
Improved methods of management on Russian islands	364
Increase:	
Bryant on	280
How to secure, Veniaminoff on	295
On Commander Islands	364
On St. Paul Island for fifteen years	298
Requirements for	279
Testimony of Charles Bryant before Congressional committee on	280
Of seal herd. (<i>See</i> Increase.)	
Indian hunters (<i>see also</i> Pelagic sealers)	346, 347, 348
Indians, interest of, to be considered	392
Insurances rates	248, 341, 342, 349
Irregularity in habits	378
Islands of the Unalaska district, Veniaminoff's notes on, extract from	294
Intermingling of bachelors with females	278
<i>Ivanhoe</i> , composition of catch of the	358
James, N. T., deposition of, as to insurance rates	342
<i>Kate</i> , composition of catch of the	354
<i>Kate and Ann</i> , composition of catch of the	358
Kenching	282
Killable age	278
Killing excess of males:	
Advantageous	364, 365
Increases herd	279
Killing for food	278
manner of, on islands	278, 281
one, seen by British Commissioners	398
on islands from 1817 to 1838, number in	297
on islands from 1870 to 1874, inclusive, number in	282
on islands, Veniaminoff on	294
threatens extinction of herd	366
wasteful	366
Record of, examined by British Commissioners	379
should be confined to males	279
time on Commander Islands, extended	373
Lampson, C. M. & Co.:	
Catalogue showing "stagy" skins	412
On number of sealskins in a bundle	415
<i>La Ninfa</i> , composition of catch of the	355
Lavender, A. W., official report of	263
"Lay" of pelagic sealers	248
Lennan, J. E., certificate of, concerning seals taken by Capt. Coulson in Bering Sea	243
Libels filed against sealing vessels	327, 328
Lorentzen, A. P., deposition of, as to cost of vessels and outfit	343

	Page.
<i>Loriot</i> , case of the	180-184
<i>Louis Olsen</i> , composition of catch of the	358
Lutjens, Charles:	
Testimony of, as to cost of outfit of vessels	344
Testimony of, as to value of the <i>Ada, Anna Beck, Dolphin, Grace</i> , and <i>W. P. Sayward</i>	344
McCoy, Sir Frederick, extract from his Prodrum of Zoölogy of Victoria	292
McIntyre, H. H., deposition of	371
McLean, Alexander, deposition of	345
McLean, Daniel, deposition of	346
Magee, John A., jr., deposition of	347
Males:	
Age of, when allowed on breeding grounds	276
Color of mature	275
Full growth of, when reached	275
Killing excess of, advantageous	364, 365
Only should be killed	279
Proportion of, born each year	296
Size of mature	275
Surplus, killing of, increases herd	279
Virile, sufficiency of, on Commander Islands	365, 375
Virility of, not impaired by driving	390
Weight of mature	275
Winter resort of adult	230
(See also Bulls; Bachelors.)	
Malowansky, John, depositions of	373, 374
Management of seal herd on Pribilof Island. Bryant on:	
Disturbance of breeding grounds	276
Driving, care in	278
Increase of herd, requirements for	279
Killable age	278
Killing, manner of	278
of seals for food	278
of surplus males increases herd	279
should be confined to males	279
Manner of curing the skins	279
Oil yielded by a seal	279
Preservation of herd, requirements for	279
Prime sealskins, percentage of	278
Quota, annual, of sealskins that may be taken on islands	279
Veniaminoff on	291-299
Management of Russian herd:	
Barren cows, few killed	366
Cows not killed on islands	365
Driving	366
Habits of seals not affected by methods of taking	365
Improved methods of	364
Increase of seals	364
Killing excess of males advantageous	364, 365
Males, killing excess of, advantageous	364, 365
virile, abundant	365
Methods now employed perfect	365
Palagic sealing compels reduction in land catch	364
Protection of females	365
Quota taken on islands, decrease in	364
Virile males abundant	365

	Page.
<i>Maria</i> , Russian seizure of the, in 1892	202
Martin, C. W. & Sons, statement of, as to composition of pelagic catch.....	417
<i>Marvin</i> , E. B., auction sale of the	248
<i>Mary Brown</i> , composition of the catch of the.....	353
<i>Mary H. Thomas</i> , composition of catch of the.....	358
Martin, Walter E., deposition of	376
<i>Marvin</i> , E. B., cost of steam for.....	248
Maynard, Lieut. Washburn, report of, to Secretary of Treasury	280
Methods of management now employed on Russian islands, perfect	365
Migration:	
Alaskan and Russian herds resort each to its own breeding grounds	363
Arrival of herd off coast coincident with arrival of certain classes of fish	232
Cause of.....	364, 370
Course of	370, 371
Destination of Alaskan herd	233
Manner of traveling during	232, 370, 371
Of Alaskan fur-seals, Henry on	248
seal herd, Capt. Hooper on	229-233
passes used in	229
time of passage of bulls	230
Routes of.....	232
Swan on.....	391
Time of	370, 371
Passage of Alaskan herd.....	230
When a herd is out of Bering Sea	231
reaches coast of United States.....	231
Mingling of Alaskan and Russian herds does not occur	363, 375
herds of Commander Islands and Robben Island does not take place	363
Money taken from the <i>Carolena</i> , no.....	341
Moore, J. S., report of, to Secretary of the Treasury	282
Morgan, Thomas F., deposition of.....	376
Mortgages on sealing schooners	410
seized schooners	261
Mother and pup, affection between.....	388
Movements of cows about islands	386
<i>Mountain Chief</i> , declaration of seizure of the.....	419
Munro, George E., testimony of, as to ownership of vessels seized.....	301-306
Murray, Joseph, deposition of.....	378
Myer, Martin, deposition of.....	380
Myers, consul, Levi W., official report of (<i>see also</i> Reports offered)	255-263
Neumann, Rudolph, deposition of	380
Newcomb, Lieut., examined Amak Island	236
Niebaum, Gustave, depositions of	381, 382
Northeast Point, St. Paul, annual killing at, 1871-1889	427
Number of fur-seals annually killed on Pribilof Islands:	
1817 to 1838	297
1860 to 1866 (<i>also see</i> Quota)	193-199
1870 to 1874	283
Number of seal skins:	
Brought away from islands, 1870-1889.....	361
In a bundle.....	282, 359, 361, 380, 381
Nursing cows:	
(<i>See also</i> Cows, and Alaskan seal herd.)	
destruction of, by pelagic sealing.....	375

Nursing cows—Continued.	Page.
of pup	277
Observations of Alaskan fur-seals at sea	219-227, 237-241, 401-405
Official reports. (<i>See Reports, official.</i>)	
Oil yielded by a seal	279
Orders to Capt. W. C. Coulson	234
C. L. Hooper	207
Outfit of sealing vessels, cost of	246, 261, 343, 344
Outfitting of vessels, date of	346, 347, 348
Ownership of vessels seized by United States	301-325, 351, 352
registered	256
Pacific (North) Ocean, list of reported dangers in, extract from	288
Packing. (<i>See Bundles.</i>)	
of skins in casks	358
Palmer, William, extract from paper prepared by	289
Passages on rookery	276
Passenger rates on Pacific coast	349
Passes, observations near, impracticable in winter	232
<i>Pearl</i> , case of the	175-180
Pelagic catch (<i>see also Catch</i>):	
Composition of, statement of C. W. Martin & Sons as to	417
Nursing cows in	375
Ninety-six per cent females	366
in Asiatic	365
Of 1892, examination of, on vessels seized	374
Over 90 per cent female seals	374
Shipment of, to London	375
Pelagic coition impossible	364, 373
Pelagic sealers:	
Division of catches, by British Columbia	262
Firearms used by	261
Indian	392
" Lay " of	248
Wages of	248
Pelagic sealing:	
Absolute prohibition of, necessary	366, 375
Ammunition used in	396
Cause of decrease in Commander Islands	375
Cause of great mortality of pups in 1891	389
Compels reduction of catch on Russian islands	364
Cost of ammunition used in	262
Decrease of females by	365
Effects of	366
Females taken in, Henry on	249
Injurious effect of, Capt. Coulson on	236
Capt. Hooper on	218
Investigations of <i>Corwin</i>	395
Never engaged in by Alaska Commercial Co.	381, 382
Nursing cows easily taken in	217
Seals killed in	395
Sinking of seals in	217
Swan advises check of	392
on restrictions of, necessary	392
Threatens extinction of herd	366
Waste of life by	366, 396
Pendleton, Benjamin, extract from his letter to Edmund Fanning	329

	Page.
Percentage of females in catch in Bering Sea	370
taken by pelagic sealers	374
prime skins	278
Perkins, George C., deposition of	349
Petroff, Ivan, letter of, confessing misconduct in translating	153
Polygamous nature of seals	364
Preiss, C. W., deposition of	383
Preservation of herd, requirements for	279
Pribilof Islands:	
Annual killing on, 1871-1889	425-427
Evermann's notes on rookeries of	264-273
Journals, examined by British Commissioners	397
No seals in Bering Sea unattached to	370
Sealskins from, entered at San Francisco, 1872-1889	409
taken on, in 1860-1866	193-199
1869 and 1870	413, 414
Visit of British Commissioners to	398
Price of pup skins	381
Prices of Alaskan sealskins, statement of, from 1874 to 1889	369
Prime sealskins, percentage of	278
Prodromus of Zoölogy of Victoria, extract from	292
Prohibition of pelagic sealing, absolute, necessary	366, 375
Protection by zones impracticable	218, 370
in North Pacific and Bering Sea necessary	218, 371
of cows	365, 377
Provisions for sealing vessels, cost of	246, 247
Pups:	
Affection of cows for	388, 393, 398
Birth of	277, 363, 391, 393
on Commander Islands	373
Color of, at birth	277
Dead, from starvation	366
not caused by epidemic	366, 385
great number of, in 1891, caused by pelagic sealing	389
in 1892, cause of	389
on Commander Islands	366, 374
on Pribilof Islands	263, 267, 269, 271, 370, 378
Death of mothers causes death of	366
Departure of, from islands	278
Learning to swim	278
Nursing of	277
Skins of, killed for food	368
price of	381
purchased by Alaska Commercial Company, number of	381
Swimming of	267, 268, 363
Weight of, at birth	277
Quota, annual, of seals taken on Russian islands, decrease of	364
on Pribilof Islands, 1860-1866	193-199
St. Paul Island, 1860-1866	193-199
Raids:	
Col. Murray denies statements as to, attributed to him by British Commissioners	379
Decrease of females by	365
No, while British Commissioners were at islands	399
Record of seals killed on Pribilof Islands examined by British Commissioners	379

	Page.
Records of Pribilof Islands examined by British Commissioners.....	379, 397
Relative condition of breeding grounds in 1891 and 1892.....	379
Report of British Commissioners, section 759 of.....	399
Reports, official:	
Coulson, Capt. Wash. C.....	234-244
Area covered by.....	235
Incloses statement of A. B. Alexander.....	242
Inclosures, accompanying report of.....	235, 237-244
Miles cruised by.....	235
On distribution of codfish in Bering Sea.....	235
On injurious effect of pelagic sealing.....	236
Orders to.....	234
Range of seals observed by.....	235
Seal log of.....	237-241
Seals taken in Bering Sea by.....	235, 244
States Amak Island not a breeding ground of seals.....	236
Evermann, B. W.....	264-273
Arrival at Pribilof Islands.....	264
Departure from Pribilof Islands.....	264
Notes on character of East Rookery, St. George.....	272
Ketavie Rookery, St. Paul.....	268
Little East Rookery, St. George.....	273
Little Polavina Rookery, St. Paul.....	270
Lukannon Rookery, St. Paul.....	265, 266
Northeast Point Rookery, St. Paul.....	270
North Rookery, St. George.....	271
Polavina Rookery, St. Paul.....	271
Reef Rookery, St. Paul.....	269
Starry Arteel, St. George.....	272
Tolstoi, St. Paul.....	269
Zapadnie Rookery, St. George.....	272
cows, coming and going of, Lukannon Rookery, St. Paul....	267
dead pups on Ketavie Rookery, St. Paul.....	269
Lukannon Rookery, St. Paul.....	267
Polavina Rookery, St. Paul.....	271
dead seals on Reef Rookery, St. Paul.....	269
decrease of seals on Zapadnie Rookery, St. George.....	273
Ketavie Rookery, St. Paul.....	268
Lukannon Rookery, St. Paul.....	266
Northeast Point Rookery, St. Paul.....	270
Starry Arteel, St. George.....	272
Reef Rookery, St. Paul.....	269
North Rookery, St. George.....	272
Tolstoi Rookery, St. Paul.....	269
East Rookery, St. George.....	272
harems on Ketavie Rookery, St. Paul.....	269
Lukannon Rookery.....	264, 265
Reef Rookery, St. Paul.....	269
size of, affected by absence of cows feeding....	264, 265, 269
pups swimming, Lukannon Rookery, St. Paul.....	267, 268
rookeries on Pribilof Islands.....	264-273
seal life in general on Lukannon Rookery, St. Paul.....	266, 267
Little Polavina Rookery, St. Paul....	270
Little East Rookery, St. George.....	273
Ketavie, St. Paul.....	268

Reports, official—Continued.

Evermann, B. W.—Continued.

	Page.
Notes on seal life in general on East Rookery, St. George	272
Zapadni Rookery, St. George	272, 273
Tolstoi Rookery, St. Paul	269
Starry Arteel, St. George	272
Reef Rookery, St. Paul	269
North Rookery, St. George	272
Northeast Point Rookery, St. Paul ...	270
virile male life on Northeast Point Rookery, St. Paul	270
Reef Rookery, St. Paul	269
Henry, special agent	245-254
Exhibits:	
A. Insurance rates	249
B. Advertisement of sale of <i>E. B. Marvin</i>	249
C. Bid for engine and boiler for <i>E. B. Marvin</i>	250
D. Specifications for building 35-ton sealing schooner	250
E. Specifications for building 80-ton sealing schooner	251
F. Bid for building 35-ton sealing schooner	252
G. Bid for building 80-ton and 35-ton sealing schooners, with aux- iliary steam power	253
H. Bid for furnishing marine engines	253
I. Bid for furnishing engines for 30 and 35 ton schooner	254
On auction sale of <i>E. B. Marvin</i>	248
On bids for foundry steam	249
cost of boats	247
and subsistence	246
<i>Dora Steward</i>	242
engine and boiler for <i>E. B. Marvin</i>	248
equipment	246
provisions	246, 247
schooner now building	248
steam for schooner	247
disadvantages of steam in sealing schooner	247
females in catches	249
insurance rates	248
lay and wages	248
migration of seals	248
relative expensiveness of white and Indian sealers	246
specifications and bids for schooner	249
Orders of	245
Reports coast trading by sealing schooners unprofitable	246, 247
Sources of information employed by	245
Hooper, Capt. C. L.	207-233, 275-279
Affidavits taken by	228
Decrease in seals in 1892 at Northeast Point, St. Paul Island, reported by ..	213
on rookeries of St. George, reported by	209
gives Aleut classification of seals	229
Method of conducting inquiries among Aleuts concerning migration of seals	229
No barren cows found by	217
commingling of Alaskan and Commander Island seals found by ...	216
on absence of gravid cows in Bering Sea	218
area covered in cruises of <i>Corwin</i>	216, 218

Reports, official—Continued.

	Page.
Hooper, Capt. C. L.—Continued.	
on cruises of <i>Corwin</i>	207-216, 228-229
distribution of seals in Bering Sea	217
food of fur seals	217
found in stomachs of seals	217
inefficiency of zonal protection	218
migration of seals	229-233
necessity of protecting seals in Pacific	218
pelagic birth	218
sealing and its injurious consequences	218
percentage of nursing cows found by	217
sinking of seals	217
western limit of Alaskan fur seals	216
Orders to	207
Report of investigations in Bering Sea dated August 17, 1892	207-213
September 6, 1892	214-227
and North Pacific, November 21, 1892	228-233
Seal log of	219-227
Seals caught and examined by	210, 212, 215, 216
Settlements of natives, visited by	228
"Statement of seals taken," etc	faces 219
states nursing cows are easily killed	217
Lavender, Treasury agent	263
Moore, J. S	282
Myers, Consul L. W	255, 262
on Boscowitz, Joseph, citizenship of	255
catch, Indian canoe coast	256
per schooner, average	260
cost of ammunition	262
sealing boat and outfit	261
division of the seal-skin catches by British Columbia sealers	262
firearms used by seal hunters	261
Indian hunters	255
mortgages on seized schooners	261
registered owners	256
tonnage record	258
schooner, value of sealing	257
statistics, general	258-260
transmits documents setting forth relation of Boscowitz and Warren	301-320
Washburn, Lieut	280
Reproductive organs of male are developed, when	276
Reserve of seals	373
Reshipment of spring catch	346, 347
Resort of adult males in winter	230
half-grown males in winter	230
old bulls in winter	230
southern limit of	230
Return of bull to same spot every year	276
Robben Island and Commander Islands herds do not mingle	363
Rookeries: Management of. (<i>See</i> Management.)	
of Pribilof Islands: Decrease of seal life on	266, 268-270, 272, 273
Disorganization of	378
Excrement on	360, 373, 377, 387

	Page.
Rookeries of Pribilof Islands: Everman's notes on.....	264-273
Location of.....	276
Relative condition of, in 1891 and 1892.....	379
Tolstoi, no driving, from, in 1891.....	399
When in prime condition.....	397
Other, search for.....	376
<i>Rose Sparks</i> , Composition of the catch of the.....	356
<i>Rosie Olsen</i> , Russian seizure of the, in 1892.....	201-203
Routes of migration of seals.....	232
<i>Rush</i> , See Reports, official, Capt. Wash. C. Coulson	
Russian and Alaskan herds do not mingle.....	363, 370
Russian documents, amended translations.....	154-174
Russian documents (amended translations), list of—	
No. 11. Letter from the Minister of Finance (Department of Manufactures and Internal Trade) to the board of administration of the Russian American Company. Written from St. Petersburg April 2, 1824.....	154
No. 13. Letter from the Minister of Finance to the board of administration of the Russian American Company. Written from St. Petersburg September 4, 1824.....	155
No. 14. Abstract of communication from Count Nesselrode, Minister of Foreign Affairs, to the Minister of Finance. Written from St. Petersburg August 18, 1824.....	155
No. 16. Letter from the board of administration of the Russian American Company to Captain of the Imperial Navy of the Second Rank Alexander Ilitch Rudakof, acting chief manager. Written from St. Petersburg March 20, 1853.....	159
No. 17. Letter from Captain of the First Rank and Knight Ivan Vassilievitch Furuhelm, chief manager of the Russian American colonies, to Master Benzeman, of the Imperial Navy. Written from the colonies June 20, 1861.....	162
No. 18. Letter from the Department of Commerce and Manufactures to the board of administration of the Russian American Company. Written from St. Petersburg June 19, 1865.....	163
No. 19. Concerning the granting of a fourth charter to the Russian American Company.....	164
No. 20. Proclamation.....	164
No. 21. Letter from the board of administration of the Russian American Company to Alexander Andreievitch Baranof, chief manager of the Russian American colonies. Written from St. Petersburg April 6, 1817.....	165
No. 22. Letter from the board of administration of the Russian American Company to Captain of the First Rank and Knight Adolf Carlovitch Etholin, chief manager of the Russian American colonies. Written from St. Petersburg March 8, 1843.....	166
No. 23. Letter from the board of administration of the Russian American Company to Captain of the Imperial Navy of the Second Rank Alexander Ilitch Rudakof. Written from St. Petersburg April 22, 1853.....	166
No. 24. Letter from the board of administration of the Russian American Company to Captain of the First Rank and Knight Stepan Vassilievitch Voyevodsky, chief manager of the Russian American colonies. Written from St. Petersburg April 24, 1854.....	167
No. 25. Letter from the board of administration of the Russian American Company to Captain of the Second Rank Prince Maksutof, chief manager of the Russian American colonies. Written from St. Petersburg November 8, 1854.....	167

Russian documents (amended translations), list of—Continued.	Page
No. 26. Letter from the board of administration of the Russian American Company to Captain of the First Rank and Knight Stepan Vassilievitch Vovevodsky, chief manager of the Russian American colonies. Written from St. Petersburg June 5, 1857.....	168
No. 27. Letter from the chief manager of the Russian American colonies to the board of administration of the Russian American Company. Written from the colonies October 7, 1857	169
No. 28. Letter from the chief manager of the Russian American colonies to the board of administration of the Russian American Company. Written from the colonies January 13, 1859	171
No. 29. Letter from Captain of the First Rank and Knight Ivan Vassilievitch Furuhelm, chief manager of the Russian American colonies, to the board of administration of the Russian American Company. Written from the colonies May 13, 1860.....	171
No. 30. Letter from Captain of the First Class and Knight Ivan Vassilievitch Furuhelm, chief manager of the Russian American colonies, to the board of administration of the Russian American Company. Written from the colonies July 16, 1863.....	172
No. 31. Letter from the chief manager of the Russian American colonies to the manager of the island of St. Paul. Written from Sitka May 1, 1864.	174
Russian documents, facsimiles of	429
Russian documents. (Translations new material.)	
A.—Relating to the number of seals killed on St. Paul Island, 1860-1866.	
No. 1. Letter from the chief manager of the Russian American colonies to the board of administration of the Russian American Company. Written from the colonies March 29, 1860.....	193
No. 2. Letter from the chief manager of the Russian American colonies to the manager of the island of St. Paul. Written from Sitka May 5, 1860	193
No. 3. Letter from the chief manager of the Russian American colonies to Lieut. Wehrmann. Written from Sitka May 3, 1860.....	193
No. 4. Letter from the chief manager of the Russian American colonies to the manager of the island of St. Paul, Milovidof. Written from Sitka March 15, 1861	194
No. 5. Letter from the chief manager of the Russian American colonies, Furuhelm, to the board of administration of the Russian American Company. Written from the colonies October 14, 1861	195
No. 6. Letter from the chief manager of the Russian American colonies, Furuhelm, to the board of administration of the Russian American Company. Written from the colonies November 17, 1862.....	195
No. 7. Letter from the board of administration of the Russian American Company to Captain of the First Class and Knight Ivan Vassilievitch Furuhelm, chief manager of the Russian American colonies. Written from St. Petersburg February 14, 1863.....	195
No. 8. Letter from the chief manager of the Russian American colonies, Furuhelm, to the board of administration of the Russian American Company. Written from the colonies October 8, 1863	196
No. 8b. Letter from the chief manager of the Russian American colonies to the manager of the island of St. Paul. Written from Sitka May 1, 1864	196
No. 9. Letter from the board of administration of the Russian American Company to the acting chief manager of the Russian American colonies. Written from St. Petersburg March 8, 1865	197
No. 10. Letter from the chief manager of the Russian American colonies to the manager of St. George. Written from Sitka May 6, 1865	198

Russian documents—Continued.

A.—Relating to the number of seals killed, etc.—Continued.	Page.
No. 11. Letter from the chief manager of the Russian American colonies to the manager of St. Paul. Written from Sitka May 6, 1865.....	198
No. 12. Letter from the chief manager of the Russian American colonies to the manager of the island of St. Paul. Written from Sitka April 4, 1866	198
No. 13. Letter from the chief manager of the Russian American colonies to the manager of the island of St. George. Written from Sitka July 23, 1866	198
No. 14. Letter from the chief manager of the Russian American colonies to the manager of the island of St. Paul. Written from Sitka August 10, 1866	199
No. 15. Letter from the chief manager of the Russian American colonies to the manager of the island of St. Paul. Written from Sitka April 9, 1867	199
B.—Relating to the visits of foreign whalers to Bering Sea.	
No. 16. Letter from the board of administration of the Russian American Company to Captain of the Second Rank Nicholas Yakovlevitch Rosenberg, chief manager of the Russian American Colonies.....	199
No. 17. Letter from the board of managers of the Russian American Company to Captain of the Second Rank Nicholas Yakovlevitch Rosenberg, chief manager of the Russian American colonies	200
Russian documents, withdrawal of.....	153

Russian fur-seal:

Habits of (<i>see also</i> Russian seal herd).....	363, 364
Home of	363

Russian islands, management of..... 363-366

Russian seal herd:

Alaskan and Russian herds do not mingle.....	363
Arrival, annual, of seals	363
Birth of pups.....	363
Cause of departure of seals from islands.....	364
Coition, pelagic, impossible	364
Commander Islands and Robben Island herds do not mingle.....	363
Control and domestication	364
Control possible only on land.....	365
Death of mother causes death of pup.....	366
Departure of seals from islands	364
Domestication and control	364
Fur-seals are polygamous	364
Habits of seals not affected by methods of taking	365
Herd, each, resorts exclusively to its own breeding grounds	363
Home of Russian fur-seal.....	363
Migration	364
Pelagic coition impossible.....	364
Polygamous nature of seals	364
Pup, birth of.....	363
death of mother causes death of	366
swimming of.....	363
Seals not wild animals	364
Swimming of pups	363

Russian seal islands. (*See* Commander Islands.)

sealskins, only two in a bundle	359
seizure in 1892	201-205

	Page.
Sales of pelagic stagy skins in London.....	412
sealing schooners	410
<i>San Diego</i> , composition of catch of the	358
Scammons's Marine Mammals of the Northwestern Coast, extract from.....	293
Schooner, average catch per.....	411
Victorian fleet, 1881-1892	260
bids for furnishing steam for	249
cost of sealing	247, 248
equipping	246
provisioning	246, 247
steam for	247, 248
<i>Dora Seward</i> , cost of the	246
<i>Mountain Chief</i> , declaration of seizure of the.....	419
Specifications and bids for building	249
Steam power not advantageous to.....	247
Value of.....	257
Schooners: (For all items of cost and equipment, see Reports, official, Henry's and Myer's report.)	
Mortgages on	410
Sales of	410
seized, certificate of sale of.....	421
<i>Ada</i>	423
<i>Anna Beck</i>	422
<i>Dolphin</i>	421
<i>Grace</i>	422
mortgages on	261
registered owners of, in Victoria	256
registered tonnage of	258
Scidmore, Miss E. R., letter of James G. Swan to.....	414
Sealers. (<i>See Pelagic sealers.</i>)	
Sealing: a venture.....	345
fleet and pelagic catch of 1892	407, 408
schooners. (<i>See Schooners.</i>)	
season in Bering Sea.....	345, 346
Seal life at sea, Capt. C. L. Hooper on	693
Seals, Alaska fur:	
Aleut, classification of.....	229
Abundance of virile males among.....	269, 270
(<i>See also</i> Habits, Bulls, Cows, Males, Bachelors, Pups, Migration, and Pelagic sealing.)	
Caught and examined by Capt. Hooper	210, 212, 215, 216
Decrease of, in 1892 reported by Capt. Hooper	209
In 1892 at Northeast Point, St. Paul Island reported by Capt. Hooper	213
Destination of herd of	233
Distribution of, in Bering Sea	217
Does not travel in bands.....	232
Evermann's notes on.....	264-273
Food found in stomachs of	217
Food of	217
Gravid cows among, in Bering Sea	218
Migration of	229-233, 248
Mode of traveling of	232, 233
No barren cows among.....	217

Seals, Alaska fur—Continued.	Page.
No mingling with commander Islands seals	216
Number annually killed on Pribilof Islands, 1871-1889.....	425-427
Number of, seen off coast of Washington in 1869.....	413
Nursing cows easily captured	217
Observations of, at sea.....	219-227, 237-241, 401-405
in passes in winter impracticable	232
Pelagic birth among	218
Percentage of nursing cows among	217
Protection of, in Pacific necessary	218
Range of, in Bering Sea	235
Tables concerning pelagic catch of	410
Taken by Capt. Coulson in Bering Sea.....	235
Western limit of	216
Seals killed for food.....	278
on Pribilof islands from 1870 to 1874 inclusive, number of	282
record of examined by British Commissioners.....	379
None in Bering Sea unattached to the Pribilof islands.....	370
"Reserves of"	373
Stampedes of.....	371, 377, 388
Sealskin industries, testimony relating to	353
Sealskins:	
Alaskan, statement of assortment, weights, and prices of, from 1874 to 1889	369
Brought away from islands, number of	361
Comparative statement of counts of, from 1870 to 1889	367
Counting of, on the islands.....	282
In a bundle, number of	361, 380, 381, 384, 415
Manner of curing	279
Number of, from Pribilof Islands, entered at San Francisco, 1872-1889....	409
Packing of, in casks	358
Price of pup.....	381
Prime, percentage of.....	278
Pup, number of, purchased by Alaska Commercial Company.....	381
Shipment of, from islands.....	360
San Francisco to London	380, 382, 384
Sold for account of Alaska Commercial Company by C. M. Lampson & Co.	416
"Stagy," at sea.....	357, 376, 384, 412
Taking of, on the Pribilof Islands.....	280
Transfer of, from lessees' steamer	361
Transshipment of, to London from San Francisco	353
Weight of	416
bundle of	384
Sealers, white and Indian, relative expensiveness of	246
Sealing boats. (See Boats.)	
Sealing Fleet of Victoria 1881-1892, inclusive.....	258-260
Boats of	258-260
Canoes of.....	258-260
Catch of.....	258-260
average, per schooner	260
Crews of	258-260
Sealing in the water. (See Pelagic sealing.)	
Sealing schooners. (See Schooner.)	
appraisalment of.....	329-338
coast trading by, unprofitable	246, 247
libels filed against	327, 328

	Page.
Search for other rookeries	376
Season, sealing, in Bering Sea	345, 346
Seized schooners, certificate of sale of	421
mortgage on	261
Seizure of the <i>Mountain Chief</i> , declaration of	419
Seizures. (<i>See also</i> Schooners.)	
by Russia in 1892: Distance from land	201-204
Treatment of seized vessels and crews	201-205
Seizure of American and British vessels by Russia in 1892	201-205
Schooners seized:	
<i>Ariel</i> .	
<i>Carmelite</i> .	
<i>C. H. White</i> .	
<i>Maria</i> .	
<i>Rosie Olsen</i> .	
<i>Vancouver Belle</i> .	
<i>Willie McGowan</i> .	
Seizures of vessels by United States	301-338
Appraisement of vessels	329-338
Ownership of vessels	351, 352
Testimony as to ownership of vessels	301-325
Shipment of pelagic catch to London	375
seal-skins from islands	360
San Francisco to London	380, 382, 384
Shot-guns, cost of	348
Sinking of seals	366, 396
(<i>See also</i> Pelagic sealing.)	
Size of harems	372, 377, 379, 385
mature female	275
male	275
Skinning of seals	281
Skins of pups killed for food	368
Sloss, Leon, Jr., deposition of	384
Smith, Harry S. deposition of	349
<i>Sophie Sutherland</i> , composition of catch of the	358
Speculative character of sealing	345, 346
Speech of Sir George Baden-Powell	418
"Stagy"-skins at sea	357, 376, 384, 412
Stampedes, difficult to create	371, 377, 388, 398
Stanley-Brown, Joseph, deposition of	385
Statements of Alfred Fraser	415-417
Steam schooner. (<i>See</i> Schooner.)	
Sterile cows. (<i>See</i> Cows, barren.)	
St. Paul Island, seal-skins taken on, 1860-1866	193-199
Subsistence, cost of, on schooners	348
Summer resort of seals	275
Surplus males, killing of, increases herd	279
Swan, James G., deposition of	390
Letter of concerning Bering Sea Commissioners and H. H. Elliott	414
On aquatic birth	391
On decrease	392
On fur-seal industry of Cape Flattery and vicinity	284
On Indian hunters	392
On interest of Indians	392

Swan, James G., deposition of—Continued.	Page.
On migration	391
On pelagic sealing	392
Publications by	390
Testimony of, before Senate committee	286
Swimming of pups	267, 268, 278, 363
Tables relating to claims of British subjects against United States	339, 340
Taking of sealskins on the islands	280
Testimony	341-400
Testimony as to ownership of vessels seized by United States	301-325
of Charles Bryant before Congressional Committee on increase of seals	280
Thomas H. Cooper as to ownership of vessels seized	321-325
in regard to certain claims against United States	321-325
George E. Munro as to ownership of vessels seized	301-306
James G. Swan before Senate committee	286
relating to fur-seals and to sealskin industries	353-400
<i>Thistle</i> , composition of catch of the	355
Time of passage of migrating herd	230
when Alaskan seal herd first reaches Pacific coast	231
is out of Bering Sea	231
Tolstoi Rookery, no driving from, in 1891	399
Tonnage. (<i>See</i> Schooners.)	
Townsend, Charles H., deposition of	392
Transaction, Warren-Boscowitz	351
Transfer of skins from lessees' steamer	361
Translations, amended, of Russian documents. (<i>See</i> Petroff, Ivan)	154-175
erroneous, communications concerning	151-152
Transshipment of sealskins at San Francisco	353
Treaty of arbitration, correspondence relating to interpretation of	139-150
Turner, Matthew, deposition of	350
United States, claims against:	
Special proceedings instituted in regard to	320-326
Testimony relating to	341-352
<i>Vancouver Belle</i> , Russian seizure of the, in 1892	202
Veniaminoff:	
Notes on the islands of the Unalaska district, extract from	294
On the management of the islands	294-299
Vessels. (<i>See</i> schooner.)	
cost of	350
chartering	343, 348
deposition of A. P. Lorentzen as to	343
outfit of	348
seized by United States	301-338
appraisement of	329-338
ownership of	351, 352
Victoria, prodromus of zoölogy of, extract from	292
Virile males:	
Sufficiency of, on Commander Islands	365-375
Sufficiency of, on Pribilof Islands	269, 270
Virility of males not impaired by driving	390
Visits of foreign whalers to Bering Sea, Russian documents relating to	199, 200
Wages of pelagic sealers, Henry on	248
Warren, James D., testimony of, as to ownership of vessels seized	308-313

	Page.
Warren & Boscowitz, relations of.....	301-320
Warren-Boscowitz transaction	351
Warren <i>vs.</i> Boscowitz and Cooper, extract from notes made at trial of.....	301-304
Warren <i>vs.</i> Boscowitz <i>et al.</i> , extracts from evidence in the case of.....	304-313
Warren <i>et al.</i> , Boscowitz <i>vs.</i> , extracts from evidence in case of.....	304-313
Warren <i>et al.</i> , <i>vs.</i> Boscowitz <i>et al.</i> , extracts from case on appeal.....	313-320
Waste of life by pelagic sealing	366, 370, 396
Weapons. (<i>See</i> Firearms, also Rifles and Shotguns.)	
Weight of Alaskan sealskins, statement of, from 1874 to 1889	369
a bundle of sealskins	282, 373, 384
mature female	275
male.....	275
yearling	275
Whalers in Bering Sea, Russian documents relating to	199-200
Williams, Theodore T.:	
Deposition of	351
On sales of sealing schooners.....	410
Williams, William H., depositions of.....	352, 396, 397
Willie McGowan, Russian seizure of the, in 1892	201-203
Winifred, composition of catch of the	354
Winter habitat of Alaskan herd	361, 371
Withdrawal of Russian documents.....	153
Wounding.....	395
W. P. Sayward, value of the	344
Yearlings, arrival of	278
color of	275
weight of.....	275
Zones, protection within, inadequate.....	218, 370

C

HARVARD UNIVERSITY

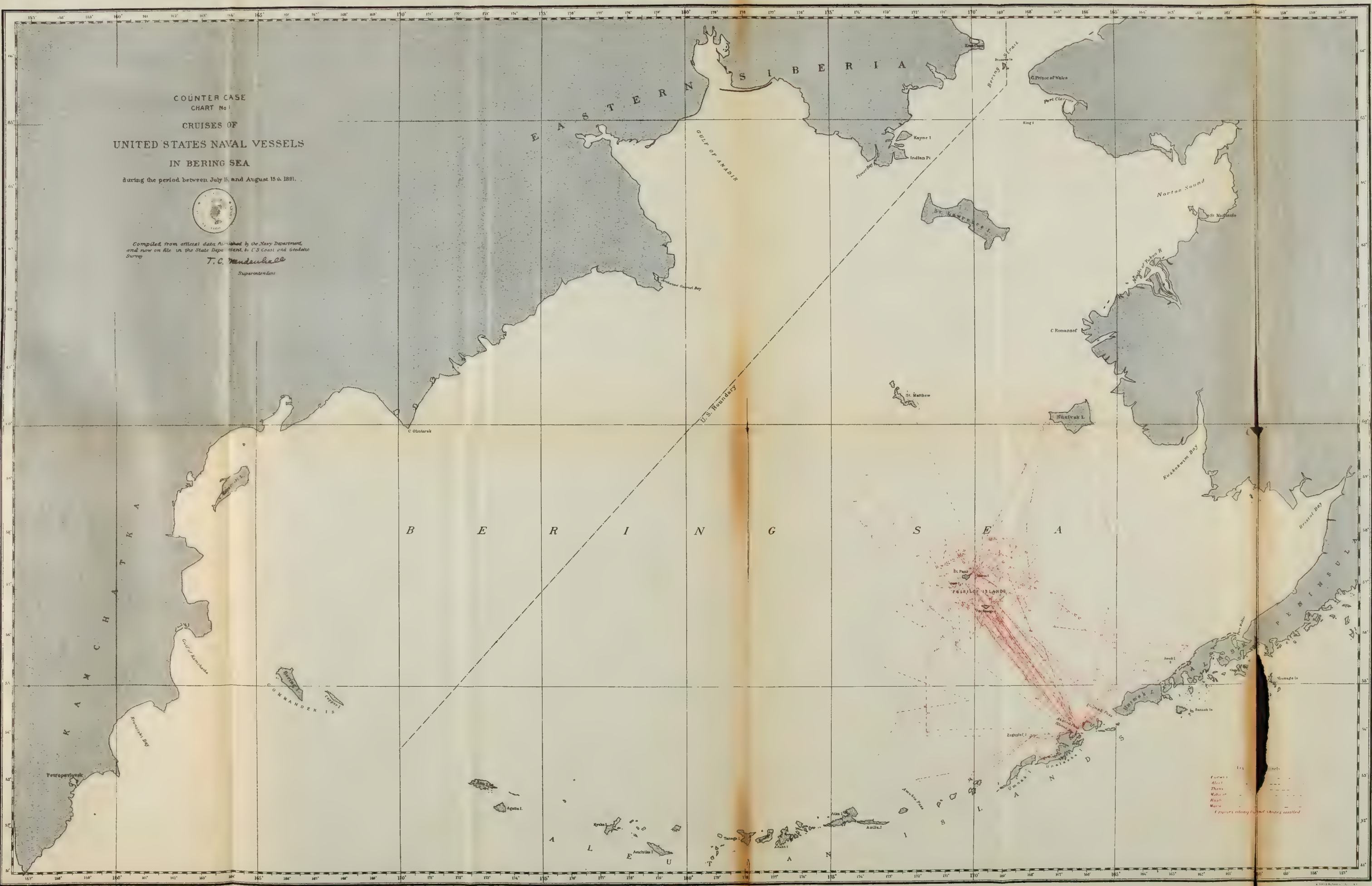
COUNTER CASE
CHART No. 1
CRUISES OF
UNITED STATES NAVAL VESSELS
IN BERING SEA

during the period between July 15, and August 15, 1881.



Compiled from official data furnished by the Navy Department,
and now on file in the State Department, by C. S. Coast and Geodetic
Survey

T. C. Mendenhall
Superintendent





COUNTER CASE
CHART No. 2
CRUISES OF
BRITISH NAVAL VESSELS
IN BERING SEA

during the period between July 15th and August 15th 1891



Compiled from official data furnished by the British Bering Sea
Commissioners and now on file in the State Department, U. S. Coast
and Geodetic Survey

T. C. Mendenhall
Superintendent





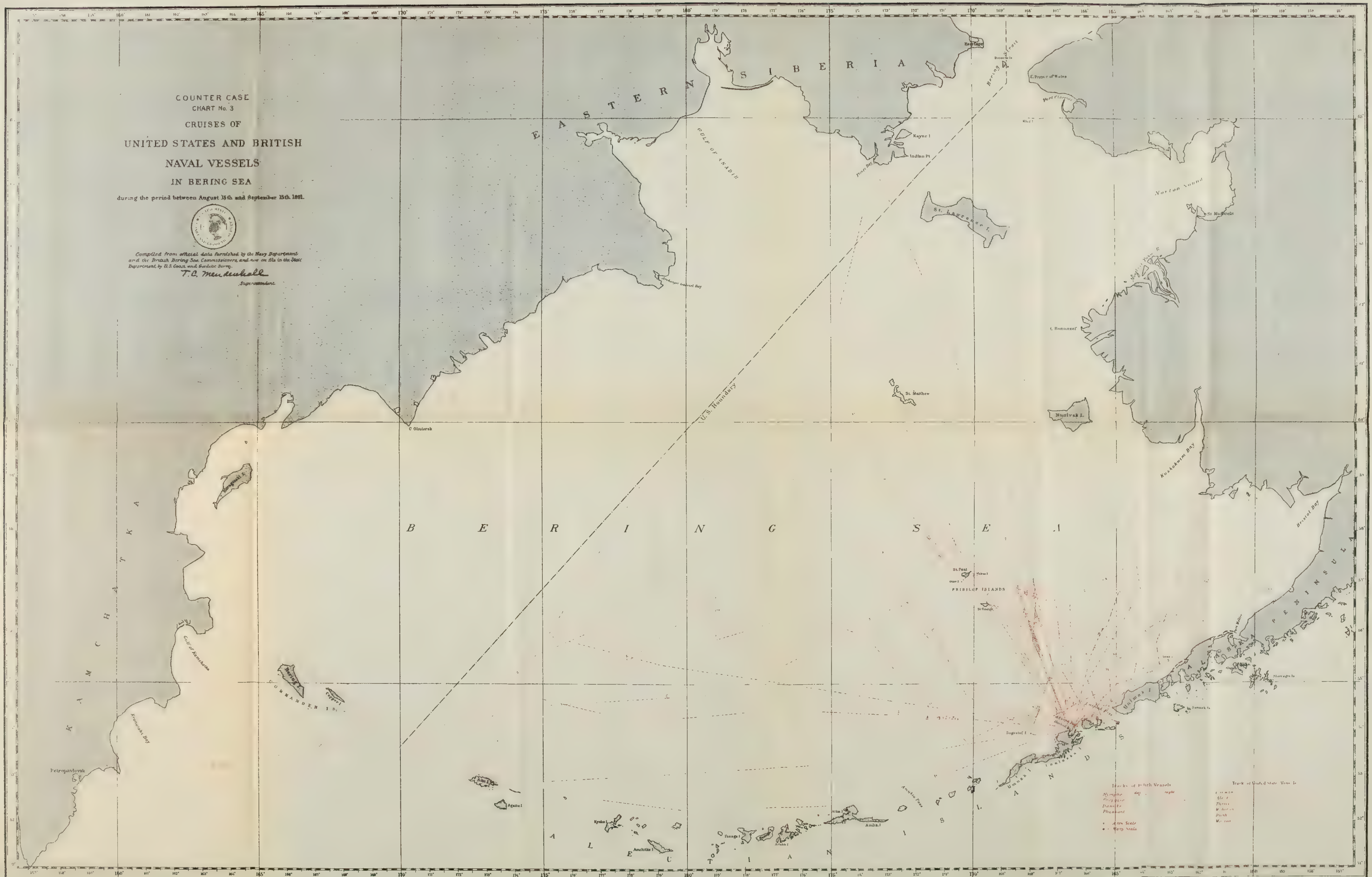
COUNTER CASE
CHART No. 3
CRUISES OF
UNITED STATES AND BRITISH
NAVAL VESSELS
IN BERING SEA

during the period between August 15th and September 15th 1891.



Compiled from official data furnished by the Navy Department
and the British Bering Sea Commissioners, and now on file in the State
Department by U.S. Coast and Geodetic Survey.

T. C. Mendenhall
Superintendent



John Brown



COUNTER CASE CHART No. 4.
TRACK CHART OF U. S. NAVAL FORCE IN BERING SEA, COMMANDER R. D. EVANS, U. S. NAVY, COMMANDING, 1892.
WESTERN SHEET.

DISTANCES COVERED CRUISING.

VESSEL.	COMMANDED BY	TRACK SYMBOLS.	DISTANCE CRUISED	
			SINCE LEAVING PORT TOWNSEND	IN BERING SEA.
			Nautical Miles	Nautical Miles
U. S. S. YORKTOWN	Commander R. D. EVANS, U. S. N.		11,169	7,627
U. S. S. MOHICAN	Commander H. L. JOHNSON, U. S. N.		10,972	5,955
U. S. S. ADAMS	Commander THOMAS NELSON, U. S. N.		10,148	5,076
U. S. S. RANGER	Commander H. F. NICHOLS, U. S. N.		10,140	8,190
U. S. R. C. CORWIN	Captain C. L. HOOPER, U. S. R. M.		8,713	5,567
U. S. R. C. RUSH	Captain W. C. COLESON, U. S. R. M.		11,118	6,686
U. S. R. C. BEAR	Captain M. A. HEALY, U. S. R. M.			
Total			62,250	39,001

* Reported September 1892. No cruising, undergoing repairs.

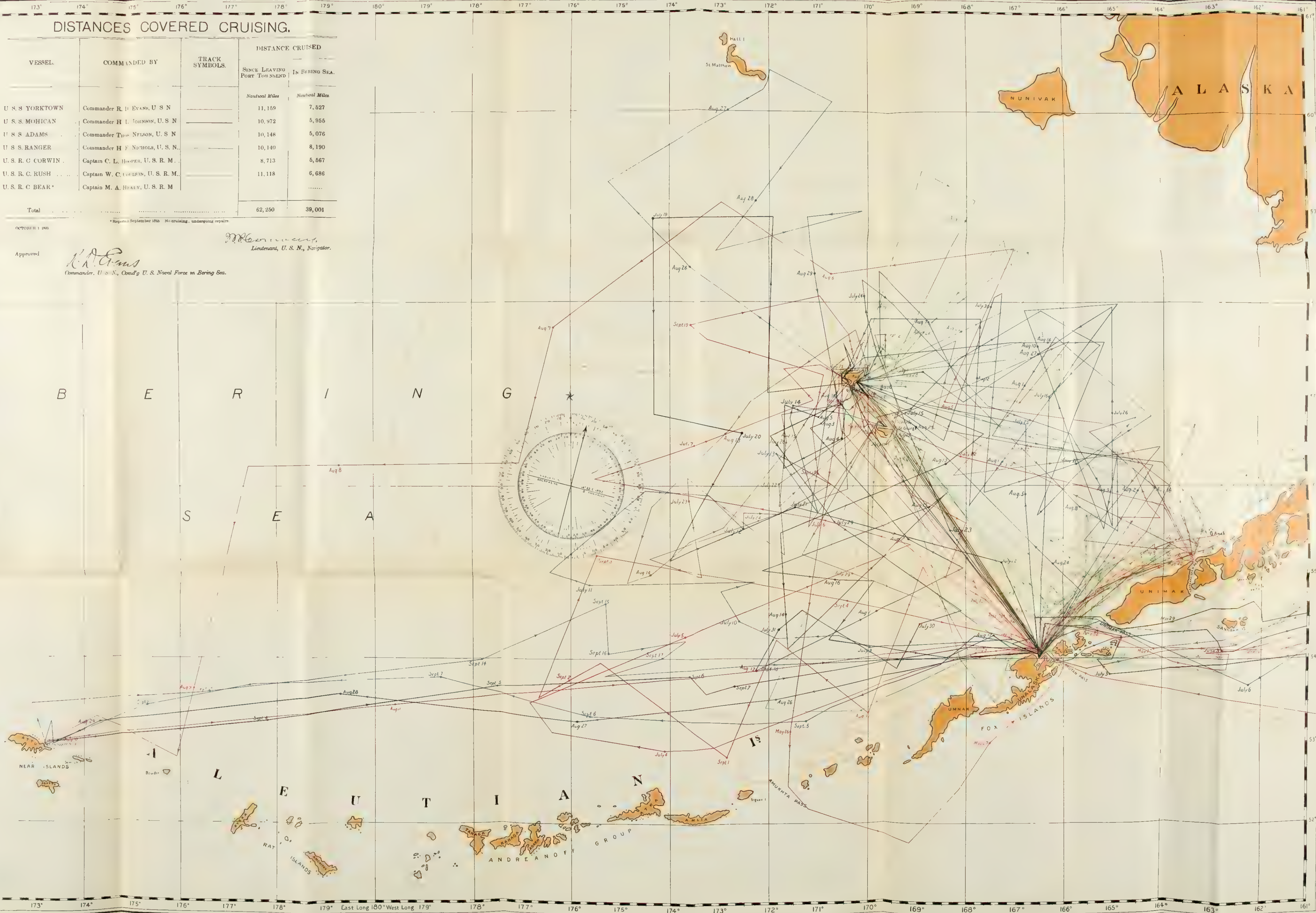
OCTOBER 1 1892

Approved

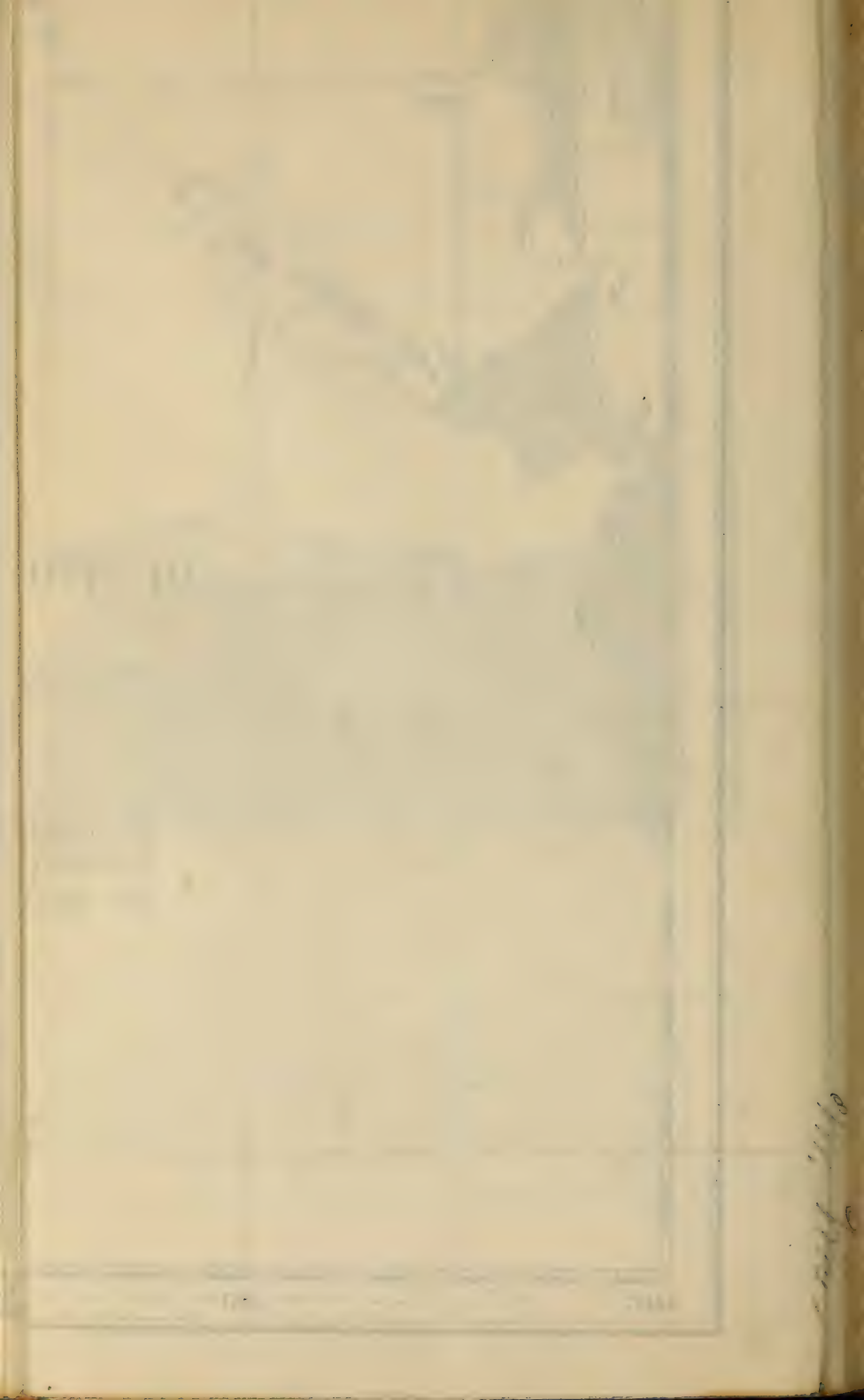
R. D. Evans

Commander, U. S. N., Comd'g U. S. Naval Force in Bering Sea.

M. A. Healy
Lieutenant, U. S. N., Navigator.



CRUISE
U. S. NAVY
VESSEL
1892



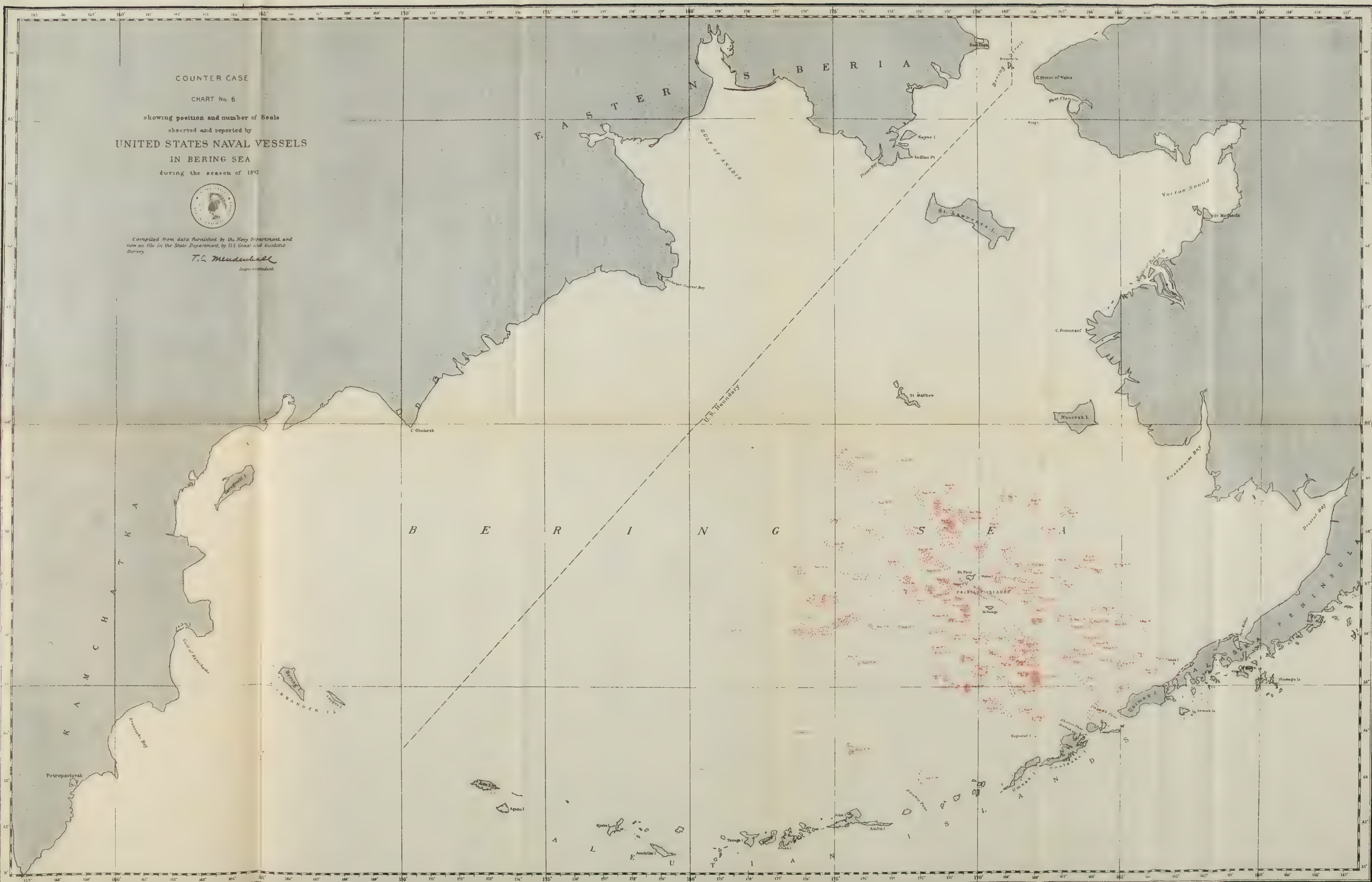
Compiled from data furnished by War Department
and now on file in the State Department, U.S. Coast
and Geodetic Survey

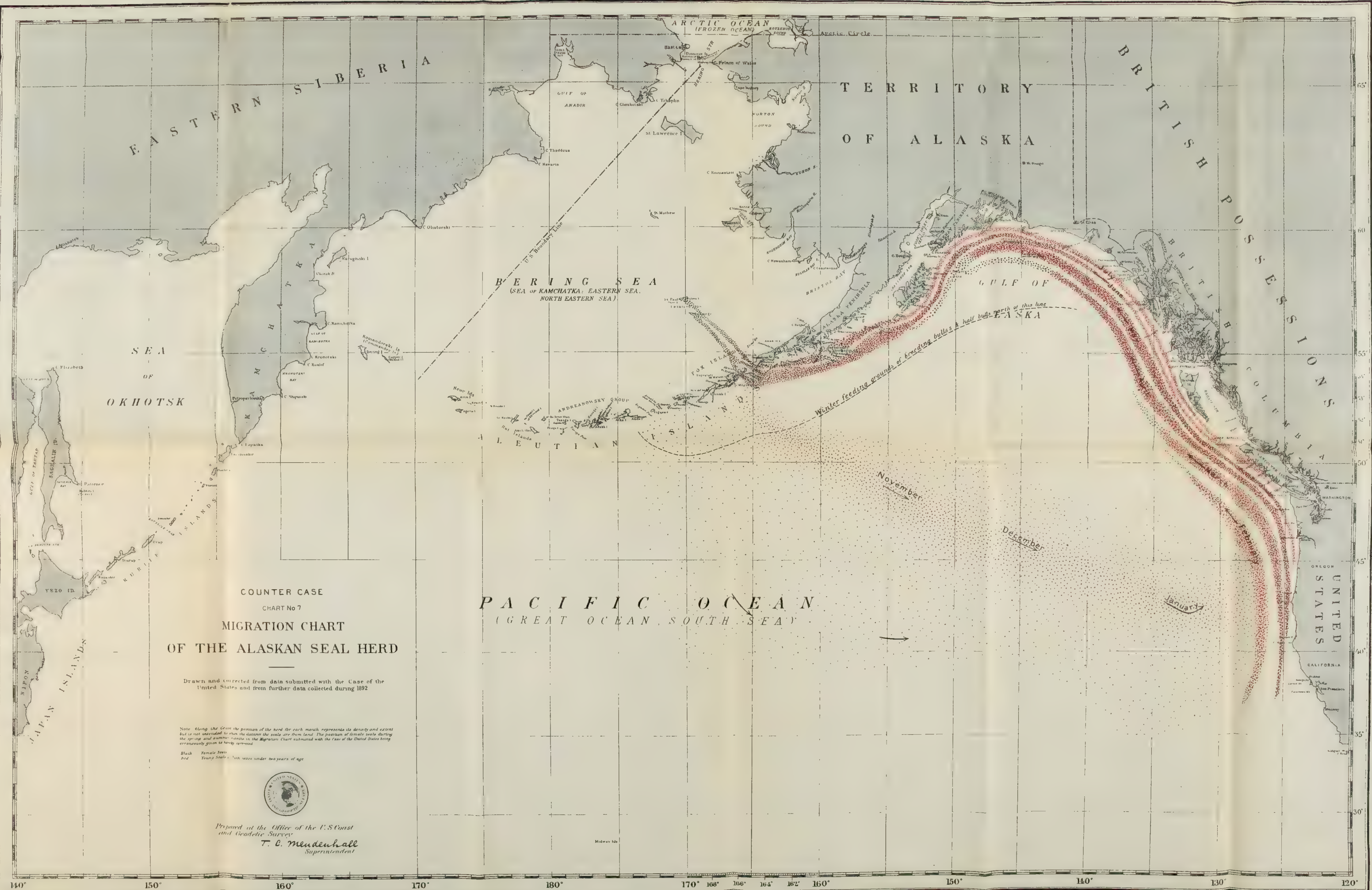
T. C. Mendenhall
Superintendent

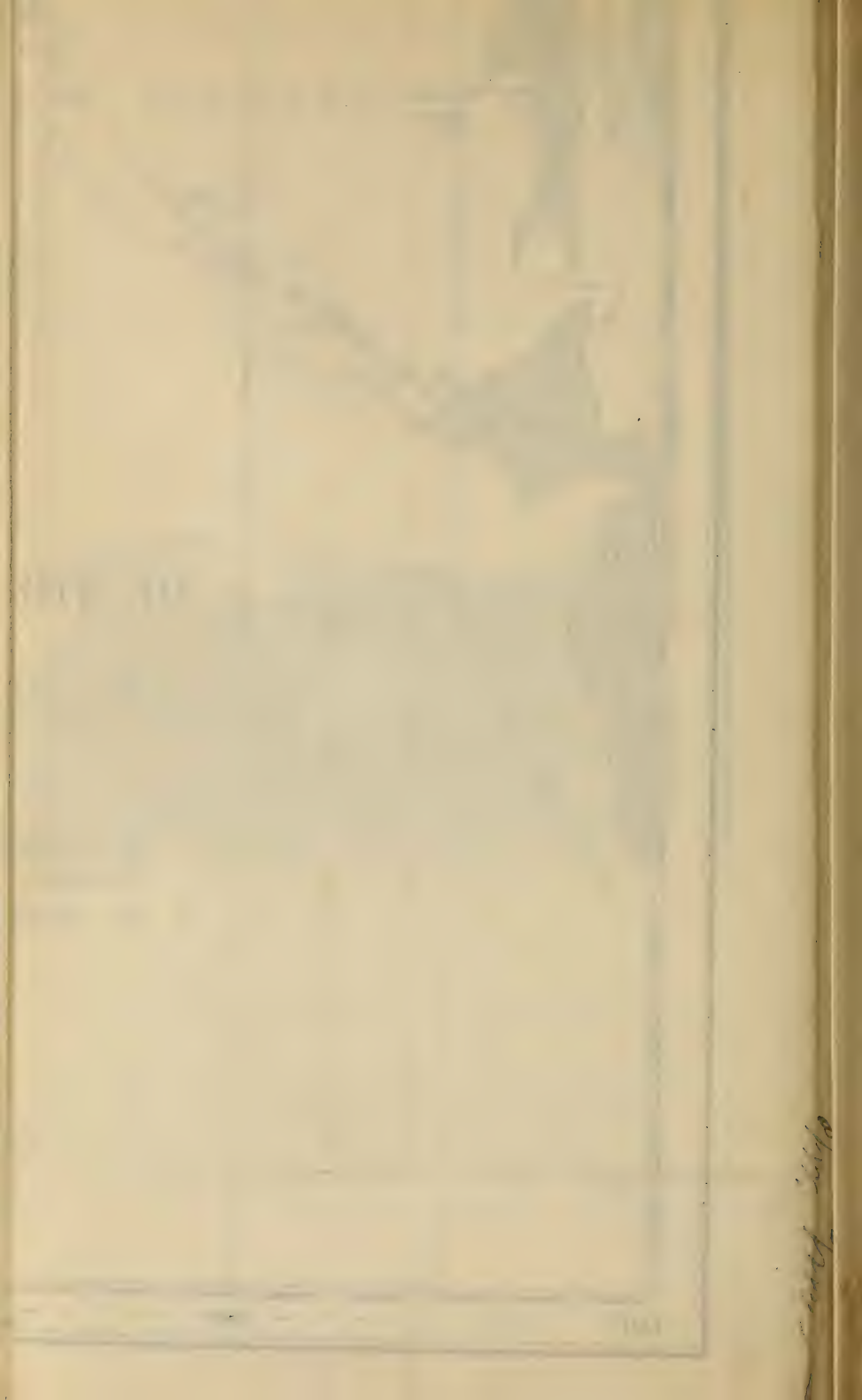
CHART No. 6

Compiled from data furnished by the Navy Department, and now on file in the State Department, by U.S. Coast and Geodetic Survey

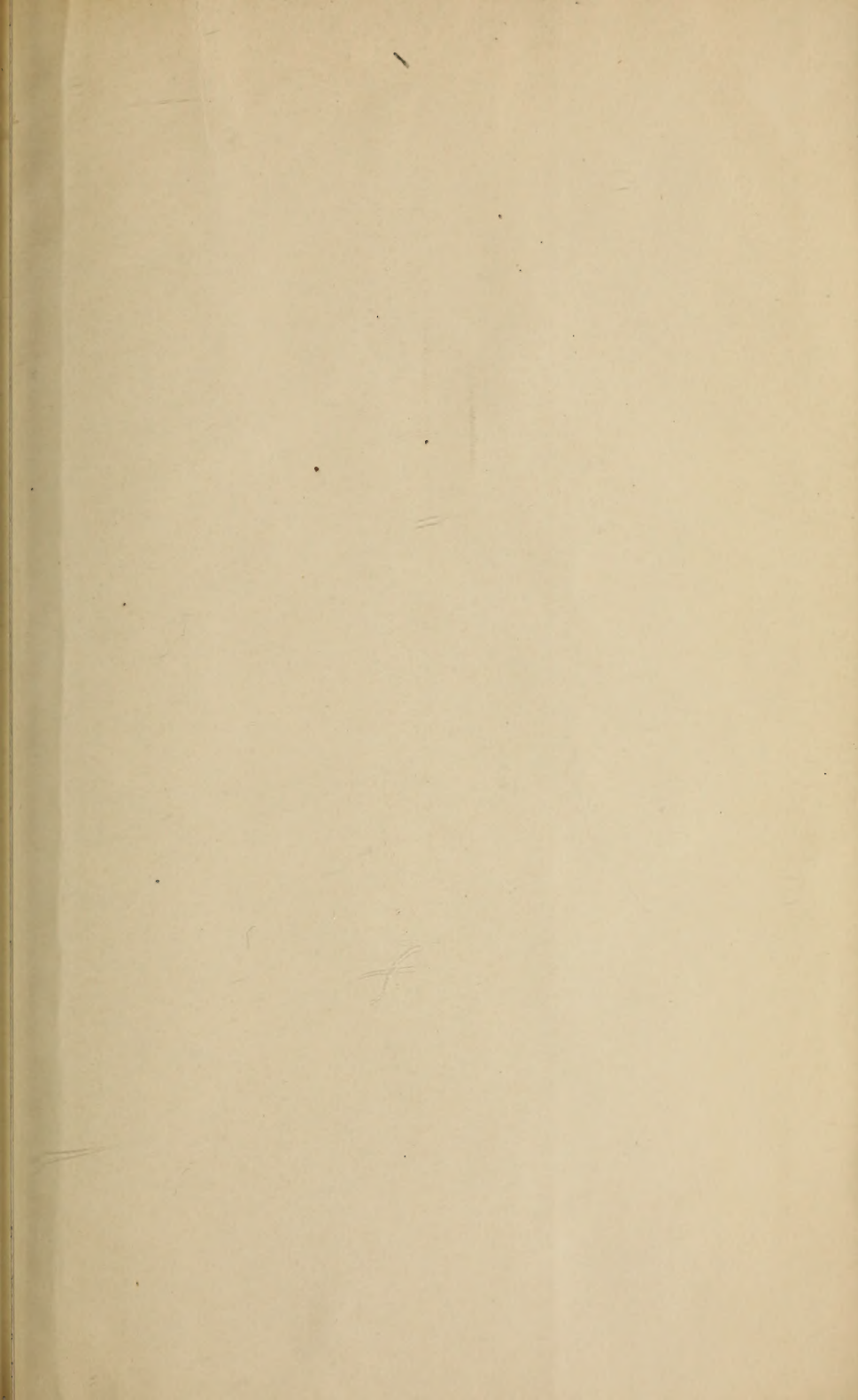
T. C. Mendenhall
Superintendent

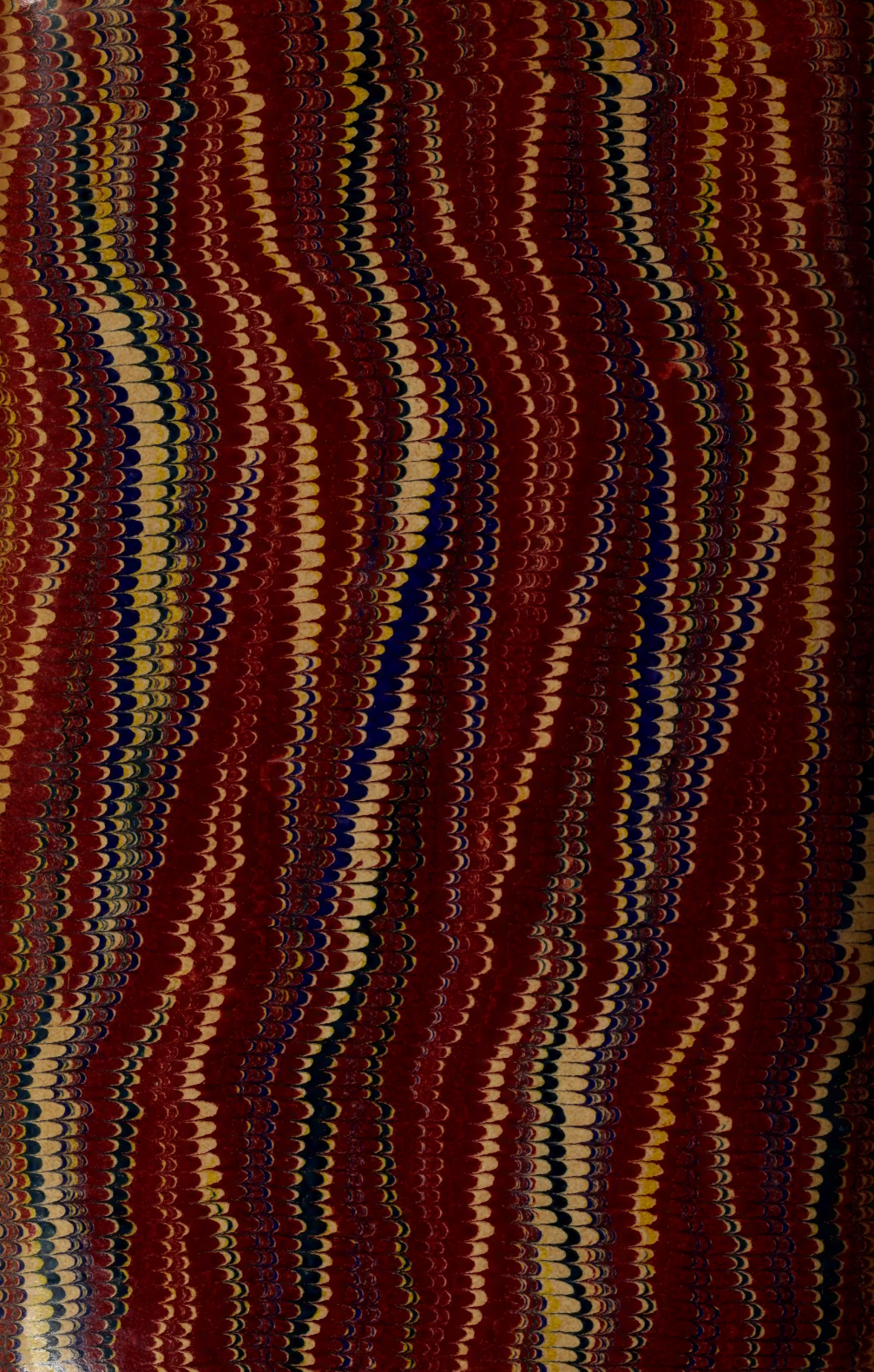






STANFORD UNIVERSITY
HISTORICAL ASSOCIATION
LIBRARY.





Law Internat B511f6
Bering Sea Tribunal of Arbitration
Fur seal arbitration. Proceedings of
the Tribunal of Arbitration ... 1895. v.7.

627323

University of Toronto
Library

DO NOT
REMOVE
THE
CARD
FROM
THIS
POCKET

Acme Library Card Pocket
LOWE-MARTIN CO. LIMITED

UTL AT DOWNSVIEW



D RANGE BAY SHLF POS ITEM C
39 13 14 15 10 006 2